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1938 AGRICULTURAL CONSERVATION PROGRAM - DELAWARE

A tentative compilation of the provisions of the 1938 Agricultural Conservation Program applicable in the State of Delaware.

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1938 AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7(a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease

in payments made because of the extent of participation in the program is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are applicable in the State of Delaware, excluding public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Section 1. National, State, and County Goals. - (a) The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

(1) The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops, and the carrying out of such soil-building practices as will preserve and improve the soil fertility and prevent erosion.

(2) The following acreages of soil-depleting crops:

Cotton	27,000,000 to 29,000,000 acres
Corn	92,000,000 to 96,000,000 acres
Tobacco	
Flue-cured	850,000 to 900,000 acres
Burley	480,000 to 500,000 acres
Fire-cured and dark air-cured	170,000 to 180,000 acres
Cigar filler and binder	85,000 to 90,000 acres
Georgia-Florida Type 62	2,800 to 3,000 acres
Potatoes	3,100,000 to 3,300,000 acres
Peanuts	1,500,000 to 1,600,000 acres
Rice	825,000 to 875,000 acres
Other soil-depleting crops	145,000,000 to 155,000,000 acres
Total soil-depleting crops	273,000,000 to 288,000,000 acres

(b) State goals for total soil-depleting crops and for individual soil-depleting crops where applicable shall be established by the Agricultural Adjustment Administration on the basis of the average acreage of the various soil-depleting crops grown in each State in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program, taking into consideration trends in acreage, the acreage of food and feed crops required for home consumption, and farms for which goals may be established as large as the usual acreage of crops grown thereon. The total of the State goals for any crop or group of crops shall not be less than the minimum acreage nor more than the maximum acreage specified as the national goal for such crop or group of crops in subsection (a).

(c) The Agricultural Adjustment Administration with the assistance of State committees shall establish county goals for total soil-depleting crops and for potatoes. In establishing county goals the State goal shall be equitably distributed among the counties on the basis of the average acreage grown in such

counties in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program adjusted where necessary for farms for which provision was not made in 1937, taking into consideration trends in acreage, farms for which goals may be established as large as the usual acreage of crops grown thereon, and recommendations of district and county agricultural planning committees with respect to the acreages of various crops and groups of crops which should be grown in each county in order to promote soil conservation.

The Agricultural Adjustment Administration with the assistance of the State committee may establish county goals for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and prevent erosion.

Sec. 2. Goals for Individual Farms. - (a) The county committee in accordance with applicable instructions shall establish for each farm a total soil-depleting crop goal and where applicable a goal for potatoes. The soil-depleting goal for any farm shall represent the farm's equitable share of the county goal taking into consideration good soil management, the tillable acreage on the farm, the type of soil, topography, production facilities, the crop rotation system, the acreage of such crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm. 1/

The soil-depleting goals for all farms in the county shall not exceed such goals as shall be established for the county by the Agricultural Adjustment Administration, and the sum of the goals for farms furnishing required forms and information shall not exceed their proportionate share of the county goals.

(b) The county committee shall establish for each farm a soil-conserving acreage which shall be the acreage of cropland in the farm (excluding commercial orchards and normally idle cropland) in excess of the total soil-depleting goal for the farm.

(c) The county committee shall establish for each farm a soil-building goal which shall represent the number of acres or acre equivalents of applicable practices listed in Sec. 6 to be carried out on the farm as a condition of payment. The soil-building goal for a farm, except as otherwise noted 2/ shall be the sum of the following:

- (1) One and one-half times the soil-conserving acreage.

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1/ A potato goal will not be established for any farm for which the acreage of land normally planted to potatoes is determined to be less than three acres.

2/ For any farm for which the total soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of soil-depleting crops for the farm, the soil-building goal shall be the sum of (1) a number of acres equal to one-half the number of dollars computed for the farm under Sec. 3, and (2) the soil-conserving acreage for the farm.

(2) The number of acres by which the general soil-depleting goal exceeds the potato goal, if the general soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of general soil-depleting crops grown on the farm and such goal is used in computing the payment for the farm.

(3) The average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(4) The acreage of commercial orchards on the farm January 1, 1938.

(5) A number of acres equal to one-half the number of dollars computed for the farm (under item 6 of Sec. 3) with respect to noncrop open pasture land.

The county committee shall, insofar as practicable, establish soil-building goals for individual farms in terms of acreages or acreage equivalents of one or more specified soil-building practices which it determines are not routine farming practices on the farm but are needed on the farm in order to preserve and improve soil fertility and prevent erosion and will tend to accomplish the goals established for the county with respect to particular soil-building practices.

Sec. 3. Payment for Full Performance. - Payment will be made with respect to any farm for not exceeding the soil-depleting goal and for achieving the soil-building goal in an amount which shall be the sum of the following:

(1) \$1.50 per acre, adjusted for productivity, for each acre in the general soil-depleting goal: Provided, however, That if such goal is determined to be as large as the usual acreage of general soil-depleting crops grown on the farm, the rate shall be \$1.50 per acre, not adjusted for productivity, on the number of acres in the general soil-depleting goal in excess of the potato goal for the farm.

(2) 6 cents per bushel of the normal yield per acre of potatoes for the farm for each acre of potatoes planted on the farm in 1938, not in excess of the potato goal.

(3) 70 cents per acre on the soil-conserving acreage.

(4) \$2.00 per acre of the average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(5) \$2.00 per acre of commercial orchards on the farm January 1, 1938.

(6) 25 cents per acre of fenced noncrop open pasture land, in excess of one half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

Sec. 4. Payment for Partial Performance. - The payment computed for any farm, under the provisions of section 3, shall be subject to all of the following

deductions which are applicable to the farm.

(1) 60 cents per bushel of the normal yield for the farm for each acre of potatoes in excess of the potato goal, or, on farms for which potato goals are not established, for each acre by which the acreage of potatoes exceeds 3 acres.

(2) \$12.00, adjusted for the productivity of the farm, for each acre of soil-depleting crops in excess of the total soil-depleting crop goal for the farm less any acreage on which deductions are made pursuant to item (1) of this Sec. 4.

(3) \$2.00 for each acre or acre equivalent by which the soil-building goal is not reached.

(4) A deduction shall be made from the payment with respect to any farm having a potato goal for each acre on which commercial vegetables are grown in 1938 in excess of the average acreage on which commercial vegetables were grown on the farm in 1936 and 1937 (adjusted, where necessary, for the effect of abnormal weather conditions on plantings in such years), such deduction to be at the deduction rate applicable to the farm under this Sec. 4 with respect to potatoes.

Sec. 5. Soil-Depleting Crops. - Land devoted in 1938 to any of the following crops or uses, or such other similar crops and uses as are designated by the Agricultural Adjustment Administration, shall be classified as soil-depleting:<sup>3/</sup>

(a) Land planted to the following crops for harvest in 1938:

- (1) Corn (including field corn, sweet corn, silage, and popcorn, but excluding sown corn used as a cover crop or green manure crop).
- (2) Mangels and cowbeets.
- (3) Truck and vegetable crops (including strawberries, melons, and sweetpotatoes) and their seeds.
- (4) Potatoes.
- (5) Bulbs and flowers.
- (6) Canning peas.

(b) Land planted to wheat between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or as a nurse crop, and is not harvested for grain or hay.

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<sup>3/</sup> Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

(c) Land planted to oats, barley, rye, buckwheat, rape, or mixtures of these crops between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

(d) Land planted in 1938 to sweet sorghum, Sudan grass, millet, or sown corn, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or for pasture and is not harvested for grain, seed, syrup, hay, or silage.

(e) Land planted in 1938 to soybeans harvested for seed for crushing.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none or more than one of such crops reach maturity and an individual crop goal is established for one of such crops, such land shall be regarded as devoted to the crop for which an individual crop goal is established.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be occupied by each.

Sec. 6. Soil-Building Practices. - The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted towards meeting the soil-building goal. If a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by a Federal or State agency other than the Agricultural Adjustment Administration, a proportion of the total acreage of the practice not exceeding the proportion of the total cost not furnished by the Federal or State agency may be counted towards meeting the soil-building goal.

Schedule of Soil-Building Practices

A. Each acre of the following shall be counted as one acre:

1. Maintaining until after July 1, 1938, a good stand of perennial grasses or perennial or biennial legumes, or mixtures of such grasses and legumes, seeded or established prior to 1938 on cropland on which no soil-depleting crop is planted between August 1, 1937, and July 31, 1938.
2. Seeding biennial legumes (other than those qualifying under practice B-1 below), orchard grass, or mixtures of timothy or redtop and legumes.
3. Seeding winter legumes or growing annual lespedeza.
4. Green manure crops (excluding lespedeza and crops counted under item 6 or 7 of this section 6) of which a good stand and good growth is plowed or disced under as green manure. 4/
5. Summer legumes grown alone and not classified as soil-depleting.
6. Growing Sudan grass, millet, or annual ryegrass; provided a good growth is attained, and the crop is not harvested for grain, seed, or hay, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.
7. Growing sweet sorghums or sown corn, provided a good growth is attained, the crop is not pastured or harvested for grain, seed or forage, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.

B. Each acre of the following shall be counted as one and one-half acres:

1. Seeding approved 5/ domestic or Canadian red clover except in mixtures.

C. Each acre of the following shall be counted as two acres:

1. Seeding perennial legumes; perennial grasses other than timothy, redtop, and orchard grass; or mixtures of legumes and perennial grasses other than timothy and redtop.
2. Improving a stand of forest trees under such approved system of farm woodland management as is specified by the regional director.

4/ A good stand and good growth of rye in any case and other crops in orchards or on commercial vegetable or potato land may be left on the land as a temporary mulch.

5/ Seed to be approved by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration. In areas where practice B-1 is used similar approval with respect to alfalfa seed under practice C-1 shall also be required.

- D. Each acre of the following shall be counted as five acres:
1. Planting forest trees (including shrubs in protective plantings).
- E. Each acre of the following shall be counted as one-half acre:
1. Summer legumes not classified as soil-depleting, if interplanted or grown in combination with soil-depleting crops.
  2. Seeding timothy or redtop.
- F. Each of the following practices in the amounts specified shall be counted as one acre. 6/
1. Application of 240 pounds of 20 percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.
  2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.
  3. Application of 500 pounds of basic slag or rock phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.
  4. Construction of 200 linear feet of standard terrace for which proper outlets are provided.
  5. Reseeding depleted pastures with good seed of adapted pasture grasses or grasses and legumes - 10 pounds of seed.
  6. Contour ridging of noncrop open pasture land - 750 linear feet of ridge or terrace.
  7. Application of 800 pounds of ground limestone or its equivalent 7/ when applied at a rate not less than 1000 pounds per acre.
  8. Application of 1,000 pounds of finely ground limestone (at least 90 percent to pass through a 30-mesh sieve and all finer particles

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- 6/ When the materials specified in items 1, 2, or 3 are applied to perennial or biennial legumes, perennial grasses, winter legumes, or lespedeza in connection with a soil-depleting crop, only one-half of the material applied shall be counted.
- 7/ For purposes of this item 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

obtained in the grinding process to be included), except to commercial vegetables, such limestone to be applied at the rate of not less than 500 pounds nor more than 1,000 pounds per acre.

Sec. 7. Materials Furnished as Grants of Aid. - Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration.

Sec. 8. Division of Payment. - The share of each interested person in the payment shall be computed on the basis of the acreage shares of each such person in the soil-depleting crops grown, or the proceeds thereof, and the soil-building practices carried out on the farm in 1938.

In computing the acreage share of each person each acre of potatoes (planted on the farms for which potato goals are established), shall be given a weight of 3; each acre of other soil-depleting crops (excluding general soil-depleting crops on farms where the general soil-depleting goal is as large as the usual acreage of crops in such goal), a weight of 1; and each acre unit of soil-building practices (excluding the growing of self-reseeded annual legumes and the maintenance of perennial grasses or perennial or biennial legumes or mixtures of such grasses and legumes and excluding soil-building practices which are carried out by the owner of a farm rented to another person for cash, standing, or fixed rent and which are not required in meeting the soil-building goal for the farm), a weight of 1. If the county committee determines that two or more persons have contributed to the carrying-out of any soil-building practice, the acreage of such practice with respect to which such persons contributed shall be divided equally among them.

If, prior to the harvest of any soil-depleting crop, there is a change in the ownership or operation of a farm and the county committee determines that both owners, or both operators, as the case may be, have contributed to performance with respect to the goal for such crop, the acreage of such crop shall be divided between them on the basis of such contribution to performance by agreement in writing, or in the absence of such agreement, by determination of the county committee. Any deductions incurred pursuant to the provisions of Sec. 4 shall be made pro rata from the items making up the maximum payment with respect to the farm.

Sec. 9. Association Membership and Deduction for Expenses. - Any person who previously has not, in accordance with the Articles of Association, become a member of the county agricultural conservation association of the county in which his farm or farms are located shall become a member thereof by signing an application under which a payment can be made with respect to any such farm. Any person shall cease to be a member of the association when it becomes evident that he

cannot qualify for a payment in the county in connection with the 1938 Agricultural Conservation Program.

There shall be deducted pro rata from the payments made to members of each county agricultural conservation association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each county agricultural conservation association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms estimated by the Agricultural Adjustment Administration with respect to which a payment (prior to deduction of any administrative expenses) of not more than \$20.00 will be made.

Sec. 10. Payments Restricted to Effectuation of the Purposes of the Program. - All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or wood land owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the regional director.

Sec. 11. Payments Computed and Made without Regard to Claims. - Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 12. Changes in Leasing and Cropping Agreements and Other Devices. - If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed any other scheme or device whatsoever, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1938 Agricultural Conservation Program.

Sec. 13. Deductions Incurred on Other Farms. - If a person who makes application for payment with respect to any farm operates, rents to another person for a share of the crops produced thereon, or field-rents to other persons for cash any other farm(s) in the county, and for such other farm(s) an application

under which a payment can be made is not filed and deductions computed under Sec. 4, excluding item (3), exceed the amount computed for such other farms under items (1) and (2) (excluding item (1) when the general soil-depleting goal is determined to be as large as the usual acreage of general soil-depleting crops) of Sec. 3, the payment to be made to such person shall be decreased by an amount equal to such person's share 8/ of such deductions in excess of such amount computed under Sec. 3.

The provisions of this Sec. 13 shall be extended to include farms in two or more counties in the State which any person operates, rents to another person for a share of the crops produced thereon or field-rents to other persons for cash, if the State committee finds that the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1938 Agricultural Conservation Program.

Sec. 14. Rates per Acre - General Crops. - The Secretary shall establish for each county a county rate per acre which will vary among the counties as the productivity of the cropland in the county devoted to the production of corn, wheat, oats, barley, rye, buckwheat, grain sorghums, soybeans, field beans, sorghum for syrup, sweetpotatoes, and broomcorn varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A rate per acre shall in accordance with instructions issued by the Agricultural Adjustment Administration be established for each farm by the county committee, subject to the approval of the State committee. Such rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of such other crop as does reflect the productivity of the farm may be used, provided that the rate per acre for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the rates per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The weighted average rate per acre for all farms in the county shall not exceed the county rate per acre unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county and a variation from the county rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 13. Rate per Acre - Potatoes. - (a) There shall be established for each county the county average rate per acre for potatoes. Such county average rate per acre shall be determined by the Agricultural Adjustment Administration on the basis of average yields in the county during the ten-year period 1927 to 1936, inclusive, or such combination of five or more years as it is determined most accurately represents the normal yield of such crop in such county. If annual county yields

8/ To be determined in accordance with the provisions of Sec. 8.

are not available for potatoes, the yields for census years and for other years for which data on yields are available to the Agricultural Adjustment Administration and the yields established under the 1937 Agricultural Conservation Program shall be used as a basis for establishing the county rate per acre.

(b) The county committee shall establish for each farm having a potato goal a rate per acre for such crop. Such rate per acre designated for any farm shall be based upon that yield which the county committee, acting in accordance with applicable instructions, finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of potatoes. In designating the yield due consideration shall be given by the committee to the trend of yield per acre as well as the type of soil, drainage, erosion, production practices, general fertility of the land, and the yield of such crop customarily secured on the farm. The weighted average rates per acre for all farms in any county with respect to such crop shall not exceed the county average rate per acre for such crop unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county producing such crop and a variation from the county average rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 16. Application for Payment. - (a) An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 8, a share in the payment with respect to the farm would be computed and (1) who is growing crops on such farm, is operating such farm or is renting such farm to another person for a share of the crops grown thereon, or (2) who is the owner of such farm and participates thereon in the carrying-out of soil-building practices in 1938.

(b) Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) When an application for payment is filed by a person with respect to a farm in a county a report (upon a prescribed form) shall be submitted covering farming operations on each other farm in the county which such person is operating, renting to another person for a share of the crops produced thereon, or field-rents to other persons for cash. Upon request by the State committee such person also shall submit a report (upon a prescribed form) covering farming operations on any farm in any other county in the State which he operates, rents to another person for a share of the crops grown thereon, or field-rents to other persons for cash.

(d) The payment with respect to any farm shall be computed on the basis of the performance under the 1938 Agricultural Conservation Program on such farm without regard to the performance on other farms, except as provided in Sec. 13. Two or more farms operated by the same person as a unit for a regular crop rotation or as a unit with respect to workstock, farm machinery, and labor, may, for the purpose of computing payments with respect thereto, be considered one farm (if all of the persons entitled to share in the payment with respect to such farms agree thereto) unless the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration, that the combining of such farms will result in payments not commensurate with performance thereon.

Sec. 17. Determination of County in Which a Farm Is Located. - A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

Sec. 18. Appeals. - Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination: (a) eligibility to file an application for payment; (b) any soil-depleting or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision, appeal in writing to the State committee. The State committee shall within 30 days after the receipt of the appeal inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may, within 15 days thereafter, request the regional director to review the decision of the State committee.

Sec. 19. Instructions and Forms. - The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1938 Agricultural Conservation Program. Such instructions shall include provision for the rounding of fractions in connection with goals, 1938 acreages of crops and practices, and per-acre rates of payment and shall also provide for calculating the net payment to any person to the nearest whole dollar, fractions of 50 cents or less to be dropped and fractions of more than 50 cents to be considered as \$1.00.

Sec. 20. Definitions. - For the purposes of the 1938 Agricultural Conservation Program.

SECRETARY means the Secretary of Agriculture of the United States.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

STATE COMMITTEE means the group of persons designated within any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

FARM means all adjacent or nearby farm land owned by a person (a) which is operated by one person as all or part of the land operated by such person with workstock, farm machinery, and labor substantially separate from that for any other land, or (b) all or part of which is field-rented to and operated by other persons: Provided, that land which is rented for fixed or cash rent or which is field-rented for a share of the crop by an operator from one or more persons in accordance with usual farming arrangements may be included as a part of the farm of the operator.

CROPLAND means farm land which is tilled annually or in a regular rotation but shall not include restoration land or any land which constitutes, or will constitute if such tillage is continued, an erosion hazard to the community because of the texture or slope of such land or because of climatic conditions, but shall include land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and shall include also land planted to commercial or non-commercial orchards other than abandoned orchards.

COMMERCIAL ORCHARDS means the acreage in planted fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including potatoes on farms where a potato goal is not established, sweet-potatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

NONCROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING GOAL means the total soil-depleting goal established for the farm less the acreage included in the potato goal established for the farm.

GENERAL SOIL-DEPLETING CROPS means all soil-depleting crops other than potatoes.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.



May 1938

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
EAST CENTRAL DIVISION

JUL 29 1938

## 1938 AGRICULTURAL CONSERVATION PROGRAM— DELAWARE

The provisions of the 1938 Agricultural Conservation Program as amended May 25, 1938, which are applicable in the State of Delaware

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Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin issued by the Secretary of Agriculture April 16, 1938 (ACP-1938-9), as amended May 25, 1938, and the authority vested thereby in the Agricultural Adjustment Administration, payments and grants of aid will be made for participation in the State of Delaware in the 1938 Agricultural Conservation Program in accordance with the provisions of this East Central Region Bulletin 201 for the State of Delaware and such modifications thereof or other provisions as may hereafter be made.

This bulletin (ECR-201-Delaware) includes all the provisions of said 1938 Agricultural Conservation Program Bulletin (ACP-1938-9), as amended May 25, 1938, which are applicable to the State of Delaware, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the East Central Division.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact. The making of

the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation.

Under the provisions of section 105 of the Agricultural Adjustment Act of 1938, as amended, payments under the 1938 Agricultural Conservation Program, based on soil-depleting crops for which special acreage allotments are established, shall be made at not less than 90 percent of the rates specified in the 1938 Agricultural Conservation Program Bulletin (ACP-1938) approved October 23, 1937. The rate specified herein with respect to potatoes is 90 percent of the rate approved for potatoes on October 23, 1937, and therefore will not be decreased. As an adjustment for participation the rates of payment and deduction with respect to each other commodity or item of payment may be decreased, and the rates of payment and deduction with respect to any commodity or item of payment may be increased by as much as 10 percent. The provisions of the 1938 Agricultural Conservation Program are not applicable in the State of Delaware to public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture and other lands in which the beneficial ownership is in the United States.

#### **SECTION I. NATIONAL AND STATE ACREAGE ALLOTMENTS AND GOALS**

**A. National goals.**—The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

**1. The following acreages of soil-depleting crops:**

Cotton-----	27,000,000 to	29,000,000 acres
Corn-----	94,000,000 to	97,000,000 acres
Tobacco :		
Flue-cured-----	850,000 to	875,000 acres
Burley-----	440,000 to	460,000 acres
Fire-cured and dark air-cured-----	170,000 to	180,000 acres
Cigar filler and binder-----	85,000 to	90,000 acres
Georgia-Florida type 62-----	2,800 to	3,000 acres
Potatoes-----	3,100,000 to	3,300,000 acres
Peanuts-----	1,500,000 to	1,600,000 acres
Rice-----	825,000 to	875,000 acres
Total soil-depleting crops-----	275,000,000 to	290,000,000 acres

**2. The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops; the restoration, insofar as is practicable, of a permanent vegetative cover on 6,000,000 acres of land unsuited to the continued production of cultivated crops; and the carrying out of soil-building practices that will preserve and improve soil fertility and prevent wind and water erosion.**

**B. National and State acreage allotments.**—National and State acreage allotments of soil-depleting crops will be determined by the Secretary.

**SECTION II. COUNTY ACREAGE ALLOTMENTS AND GOALS**

**A. County acreage allotments of soil-depleting crops.**—The Agricultural Adjustment Administration with the assistance of State Committees shall establish county acreage allotments for total soil-depleting crops, and for wheat and potatoes as hereinafter set forth. The soil-depleting acreage allotments for all counties in the State shall not exceed the applicable acreage allotment established for the State by the Secretary except as otherwise provided in this bulletin.

**1. Total soil-depleting acreage allotments.**—County acreage allotments of total soil-depleting crops shall be established by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the average acreage of soil-depleting crops grown in such counties in whichever of the periods of five or more consecutive years since 1937 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program, adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops, farms for which the general crop acreage allotment will be as large as the usual acreage of general soil-depleting crops, and the relationship of the usual acreage of individual soil-depleting crops to the 1938 acreage allotments in counties where allotments for individual soil-depleting crops are established.

**2. Wheat acreage allotments.**—County acreage allotments of wheat shall be established by distributing the State acreage allotment of wheat among the counties in the State pro rata on the basis of the acreage of wheat seeded for the production of wheat during the ten years, 1928 to 1937, inclusive, plus in applicable years the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in a county in any year of such ten-year period was less than 50 percent or more than 150 percent of the average computed for the other nine years, such year shall be eliminated in calculating the average acreage seeded for the production of wheat in such county. The average acreage seeded in any county for the production of wheat so determined shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreages diverted from the production of wheat during the years 1935, 1936, and 1937, and to the acreages so seeded and diverted during the ten-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

**3. Potato acreage allotments.**—County acreage allotments of potatoes shall be established by distributing the State acreage allotment of potatoes among the counties pro rata on the basis of the average acreage devoted to potatoes in the counties during the years 1933 to 1937, inclusive, taking into consideration trends in acreage on commercial potato-producing farms as reflected by the acreage planted to potatoes in 1937, as compared with the average acreage planted during such five-year period and also taking into consideration the acreage of potatoes on non-commercial potato-producing farms.

**B. County soil-building goals.**—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent erosion.

### SECTION III. FARM ACREAGE ALLOTMENTS AND GOALS

The county committee, with the assistance of other local committees in the county, shall determine acreage allotments, and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for the farms in a county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration, and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.

#### A. Soil-depleting acreage allotments.—

**1. Total soil-depleting acreage allotment.**—The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm, taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

**2. Wheat allotment.**—Acreage allotments of wheat shall be determined for farms on which wheat was seeded for harvest in one or more of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat was not seeded for harvest in any one of the three years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil and topography. The wheat acreage allotment for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors. No allotment shall be established for any farm for which the normal production of wheat for market is less than 100 bushels.

**3. Potato allotment.**—A potato acreage allotment shall be determined for each farm normally producing potatoes excluding farms on which the acreage normally planted to potatoes for market is determined to be less than three acres. No potato acreage allotment shall be less than three acres. Potato acreage allotments shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

**B. Soil-building goals.**—The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under Section IV, subsection B, with respect to the acreage of cropland with respect to which a payment of 70 cents per acre is computed and the commercial vegetable acreage, commercial orchards, and noncrop pasture land. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**C. Posting of acreage allotments.**—All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

#### SECTION IV. PAYMENT FOR FULL PERFORMANCE

Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building goals in an amount which shall be the sum of the following:

**A. Soil-depleting acreage allotments.—**

**1. Wheat.**—12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment, and the county committee finds that the failure to plant 80 percent of such wheat acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to wheat. The acreage planted to wheat shall be deemed to be that acreage which is seeded to wheat classified as soil-depleting under subsection B of Section XIII.

**2. Potatoes.**—5.4 cents per bushel of the normal yield per acre of potatoes for the farm for each acre of potatoes planted on the farm in 1938 not in excess of the potato acreage allotment. The acreage planted to potatoes shall be deemed to be that acreage which is seeded to potatoes.

**B. Payments in connection with soil-building practices.—**

**1.** 70 cents per acre of cropland in excess of the sum of the acreages used in computing payments with respect to the wheat and potato acreage allotments established for the farm.

**2.** \$1.50 per acre of the average acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

**3.** \$2.00 per acre of commercial orchards on the farm January 1, 1938.

**4.** 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

## SECTION V. PAYMENTS FOR PARTIAL PERFORMANCE

Payments computed for any farm under the provisions of Section IV shall be subject to all the following deductions which are applicable to the farm.

### **A. Deductions for excess acreages of soil-depleting crops.—**

#### **1. Potatoes:**

(a) 54 cents per bushel of the normal yield for the farm for each acre of potatoes in excess of the potato acreage allotment, or on farms for which potato acreage allotments are not established for each acre by which the acreage of potatoes for market exceeds three acres.

**2. Total soil-depleting acreage allotments.**—The following applicable rate for each acre of land classified as soil-depleting in excess of the total soil-depleting acreage allotment, less the acreages for which deduction is made under item 1, subsection A:

(a) 60 cents per bushel of the normal yield per acre of wheat for the farm if a payment is computed for the farm under Section IV with respect to a wheat acreage allotment.

(b) \$4.00 per acre if a payment is computed for the farm under Section IV with respect to a potato acreage allotment but no payment is computed for the farm under Section IV with respect to a wheat acreage allotment.

### **B. Deductions for failure to carry out soil-building practices.—**

1. \$1.50 for each unit by which the soil-building goal is not reached.

## SECTION VI. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and deductions in connection with acreage allotments.**—The net payment or net deduction computed for any farm with respect to the wheat or potato acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the wheat or potatoes, respectively, grown on the farm in 1938.

In computing such net payments and net deductions with respect to acreage allotments, the deductions computed under Section V with respect to soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 2, subsection A) shall be regarded (a) as deductions with respect to the wheat acreage allotment on farms for which a payment is computed under Section IV in connection with a wheat acreage allotment; (b) as deductions with respect to the payments computed under Section IV in connection with the potato acreage allotment on farms for which no payment is computed in connection with a wheat acreage allotment; or (c) as deductions with respect to the soil-building goal on farms for which no payment is computed under Section IV in connection with crop acreage allotments, provided, that any net amount of such deductions computed for such farms shall be divided equally among the landlords and tenants on the farm.

In the event that wheat or potatoes are not harvested in 1938 on the farm, or in the event the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration,

finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deductions, if any, with respect to the acreage allotment for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) had such crop(s) been harvested on the farm in 1938 or the acreage of such crop(s) had not been so reduced.

**B. Payments with respect to soil-building practices.**—The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which the county committee determines each such person contributed thereto.

**C. Proration of net deductions.**—If, with respect to any farm the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

## SECTION VII. INCREASE IN SMALL PAYMENTS

The total payments computed under Sections IV to VI, inclusive, for any person with respect to any farm shall be increased as follows:

1. Any payment amounting to 71 cents or less shall be increased to \$1.00;
2. Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
3. Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to 1.99-----	\$0.40	\$32.00 to 32.99-----	\$10.40
2.00 to 2.99-----	0.80	33.00 to 33.99-----	10.60
3.00 to 3.99-----	1.20	34.00 to 34.99-----	10.80
4.00 to 4.99-----	1.60	35.00 to 35.99-----	11.00
5.00 to 5.99-----	2.00	36.00 to 36.99-----	11.20
6.00 to 6.99-----	2.40	37.00 to 37.99-----	11.40
7.00 to 7.99-----	2.80	38.00 to 38.99-----	11.60
8.00 to 8.99-----	3.20	39.00 to 39.99-----	11.80
9.00 to 9.99-----	3.60	40.00 to 40.99-----	12.00
10.00 to 10.99-----	4.00	41.00 to 41.99-----	12.10
11.00 to 11.99-----	4.40	42.00 to 42.99-----	12.20
12.00 to 12.99-----	4.80	43.00 to 43.99-----	12.30
13.00 to 13.99-----	5.20	44.00 to 44.99-----	12.40
14.00 to 14.99-----	5.60	45.00 to 45.99-----	12.50
15.00 to 15.99-----	6.00	46.00 to 46.99-----	12.60
16.00 to 16.99-----	6.40	47.00 to 47.99-----	12.70
17.00 to 17.99-----	6.80	48.00 to 48.99-----	12.80
18.00 to 18.99-----	7.20	49.00 to 49.99-----	12.90
19.00 to 19.99-----	7.60	50.00 to 50.99-----	13.00
20.00 to 20.99-----	8.00	51.00 to 51.99-----	13.10
21.00 to 21.99-----	8.20	52.00 to 52.99-----	13.20
22.00 to 22.99-----	8.40	53.00 to 53.99-----	13.30
23.00 to 23.99-----	8.60	54.00 to 54.99-----	13.40
24.00 to 24.99-----	8.80	55.00 to 55.99-----	13.50
25.00 to 25.99-----	9.00	56.00 to 56.99-----	13.60
26.00 to 26.99-----	9.20	57.00 to 57.99-----	13.70
27.00 to 27.99-----	9.40	58.00 to 58.99-----	13.80
28.00 to 28.99-----	9.60	59.00 to 59.99-----	13.90
29.00 to 29.99-----	9.80	60.00 to 185.99-----	14.00
30.00 to 30.99-----	10.00	186.00 to 199.99-----	(1)
31.00 to 31.99-----	10.20	200.00 and over-----	(2)

<sup>1</sup> Increase to \$200.<sup>2</sup> No increase.

### SECTION VIII. DEDUCTIONS INCURRED ON OTHER FARMS

**A. Other farms in the same county.**—If the deductions computed under Section V with respect to any farm in a county exceed the payment for full performance on such farm computed under Section IV, a landlord's or tenant's share of the amount by which such deductions exceed such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in such county.

**B. Other farms in the State.**—If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the State if the State committee finds that the crops grown and practices adopted on the farms with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.

### SECTION IX. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the

estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

#### **SECTION X. MATERIALS FURNISHED AS GRANTS OF AID**

Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm the amount of such difference shall be repaid by him to the Secretary.

Pursuant to the provisions of this Section X, triple superphosphate containing not less than 45 percent of available  $P_2O_5$  will be made available at Sheffield, Ala.; Wales, Tenn.; Baltimore, Md., and such other points as may be specified by the Regional Director. The deduction for such material shall be at the rate of \$1.60 for each 100 pounds of such material.

#### **SECTION XI. GENERAL PROVISIONS RELATING TO PAYMENTS**

**A. Payment restricted to effectuation of purposes of the program.**—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld—

(1) If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous agricultural conservation programs,

(2) If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or

(3) If, with respect to forest land or woodland owned or controlled by him, he willfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning) or, if he clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10" for coniferous species, and approximately 14" for hardwood species except (a) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (b) where the clearing

is for needed cropland, or (c) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

If on any farm for which no wheat or potato acreage allotment is established, the acreage of soil-depleting crops in 1938 is in excess of 50 acres and in excess of the total soil-depleting acreage allotment, the deduction provided in paragraph 2 (b) of subsection A of Section V shall be applicable to such farm if the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm. No payment shall be computed with respect to any farm which was idle in 1938.

**B. Payment computed and made without regard to claims.—** Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection D of this Section XI) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.—** If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

**D. Assignments.—** Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash

loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration, and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any preexisting indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing contained in this Section XI shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

**E. Excess cotton acreage.**—As required by law, and as provided in the 1938 Agricultural Conservation Program Bulletin issued by the Secretary, payment cannot be made to any person if he has a farm in any cotton-producing area on which he has knowingly planted or caused to be planted during 1938 cotton in excess of the cotton acreage allotment established for such farm in connection with cotton marketing quotas.

**F. Use of soil-conserving crops for market.**—No payment will be made with respect to any farm unless in 1938 an acreage, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market equal to the acreage by which the normal acreage of soil-depleting crops exceeds the larger of (1) the total soil-depleting acreage allotment or (2) the acreage devoted to soil-depleting crops: *Provided*, That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed ten percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof,

for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than ten percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under Section XIII hereof.

#### **SECTION XII. APPLICATION FOR PAYMENT**

**A. Persons eligible to file applications.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section VI a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Applications for other farms.**—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

### SECTION XIII. SOIL-DEPLETING CROPS

Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting. Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

**A. Land planted to the following crops for harvest in 1938:**

1. Corn (including field corn, sweet corn, silage corn and popcorn, but excluding sown corn used as a green manure crop.)
2. Mangels and cowbeets.
3. Truck and vegetable crops (including strawberries, melons, and sweet-potatoes) and their seeds.
4. Potatoes.
5. Bulbs and flowers.
6. Canning peas.

**B. Land planted to wheat, oats, barley, rye, or mixtures of these crops between August 1, 1937 and July 31, 1938, except:**

1. When a good stand and good growth of such crop is used as a green manure crop; or
2. When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

**C. Land planted in 1938 to buckwheat, sweet sorghums, Sudan grass, or millet harvested for hay, grain, seed, sirup, or silage.**

**D. Land planted in 1938 to soybeans harvested for seed for crushing.**

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none of such crops reaches maturity or if more than one of such crops reach maturity and an individual crop acreage allotment is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established. If none of such crops reaches maturity and individual crop acreage allotments are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop acreage allotment is established. If two or more of such crops reach maturity and individual crop acreage allotments are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop acreage allotment is established. If two or more of such crops reach maturity or if none of such crops reaches maturity and individual crop acreage allotments are not established for any of such crops, the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined, in accordance with instructions issued by the Agricultural Adjustment Administration, to be devoted to each.

In connection with determinations regarding the maturity of crops, canning peas will be deemed to have reached maturity when such crops are harvested for canning. Field corn, sweet corn, and pop-

corn hogged off or cut for silage, fodder or other similar uses, will be deemed to have reached maturity.

#### **SECTION XIV. SOIL-BUILDING PRACTICES**

The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workman-like manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

If trees are purchased from a Clark-McNary Cooperative State Nursery, such purchases shall not be deemed to be paid for in whole or in part by a State or Federal agency.

#### **SCHEDULE OF SOIL-BUILDING PRACTICES**

**A. Each of the following practices in the amounts specified shall be counted as one unit,** provided that, when the materials specified in items 1, 2, or 3 are applied to biennial or perennial legumes, perennial grasses, winter legumes, or lespedeza, seeded or grown in connection with a soil-depleting crop, only one-half of the material applied shall be counted.

1. Application of 240 pounds of 20 percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.

For the purposes of this item 100 pounds of triple superphosphate containing not less than 45 percent of available  $P_2O_5$  shall be considered to be equivalent to 240 pounds of 20 percent superphosphate.

2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.

3. Application of 500 pounds of basic slag, rock phosphate or colloidal phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.

4. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

5. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed.

6. Application of 800 pounds of ground limestone or its equivalent when applied at a rate not less than 1,000 pounds per acre. For purposes of this item 100 pounds of ground oyster shell, 150 pounds of limestone screenings, 70 pounds of hydrated lime, or 50 pounds of burned lime shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

7. Application of 1,000 pounds of finely ground limestone (at least 90 percent to pass through a 30-mesh sieve and all finer particles obtained in the grinding process to be included), except to commercial vegetables, such limestone to be applied at the rate of not less than 500 pounds nor more than 1,000 pounds per acre.

**B. Each acre of the following shall be counted as one unit:**

1. Seeding alfalfa, sericea, approved red clover, alsike clover, sweet clover, white clover, bur clover, bluegrass, orchard grass, vetch, Austrian winter peas, crimson clover, annual lespedeza, annual rye-grass, or mixtures of such legumes and perennial grasses other than a mixture consisting solely of timothy and redtop.

2. Green manure crops, soybeans, velvet beans, cowpeas, crimson clover, Austrian winter peas, rye, vetch, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, sown corn, or mixtures of any two or more of such crops, of which a good stand and good growth is plowed or disced under as green manure. A good stand and good growth of soybeans, velvet beans, cowpeas, sweet clover in orchards, or rye left on the land as a temporary mulch. Summer legumes interplanted or grown in combination with soil-depleting crops, green manure crops counted under item 2 of subsection C below, and 1938 seedings of sweet clover in orchards will not be counted under this item 2.

**C. Each acre of the following shall be counted as two units:**

1. With prior approval of the county committee, improving a stand of forest trees under such approved system of farm woodlot management as is specified by the Agricultural Adjustment Administration.

**D. Each acre of the following shall be counted as five units:**

1. Planting forest trees, provided such trees are protected and cultivated in accordance with good tree-culture practice.

2. On any farm where the average acreage of land on which commercial vegetables were grown in 1936 and 1937 exceeds 50 percent of the acreage of cropland in the farm in excess of the sum of the potato, tobacco, cotton, and peanut acreage allotments established for the farm, green-manure crops, including soybeans, velvet beans, cowpeas, crimson clover, Austrian winter peas, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, sown corn, or mixtures of any two or more of such crops, of which a good stand and good growth is plowed or disked under as green manure.

**E. Each two acres of the following shall be counted as one unit:**

1. Summer legumes (interplanted or grown in combination with soil-depleting crops) of which a good stand and a good growth is plowed or disced under or left on the land.

2. Seeding timothy or redtop or a mixture consisting solely of timothy and redtop.

## SECTION XV. NORMAL YIELDS

**A. Normal yields of special soil-depleting crops.**—The county committee with the assistance of other local committees in the county shall determine for each farm for which a wheat or potato acreage allotment is to be established a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration.

### 1. Wheat.—

(a) Where reliable records of the actual average yield per acre of wheat for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions, in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If, for any year of such 10-year period, reliable records of the actual average yield are not available or there was no actual yield because the commodity was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 10-year period. Where the productivity index most recently established for the farm in connection with the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

(c) The yields determined under paragraph (b) of this subdivision 1 shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotment established for such farms) shall conform to the county average yield established by the Secretary.

### 2. Potatoes.—

(a) The normal yield of potatoes for any farm shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1938 with due consideration for type of soil, drainage, production practices, general fertility of the land and the yield of such crop customarily secured on the farm. The average yield for all farms in any county with respect to any such crop shall not exceed the county average yield for the crop established by the Secretary.

## SECTION XVI. APPEALS

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or made available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; (d) any

other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

#### **SECTION XVII. STATE AND REGIONAL BULLETINS, INSTRUCTIONS, AND FORMS**

The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program.

#### **SECTION XVIII. DEFINITIONS**

For the purposes of the 1938 Agricultural Conservation Program:  
**SECRETARY** means the Secretary of Agriculture of the United States.

**REGIONAL DIRECTOR** means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

**EAST CENTRAL REGION** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**STATE COMMITTEE** means the group of persons designated within the State of Delaware to assist in the administration of the 1938 Agricultural Conservation Program in the State.

**COUNTY COMMITTEE** means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

**PERSON** means an individual, partnership, association, corporation, estate, or trust, and, wherever, applicable, a State, a political subdivision of a State, or any agency thereof.

**FARM** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and

under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops:

*Provided*, That land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**CROPLAND** means farm land which is tilled annually or in a regular rotation, excluding commercial orchards, but including any other land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to noncommercial orchards other than abandoned orchards.

**COMMERCIAL ORCHARDS** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

**COMMERCIAL VEGETABLES** means the acreage of vegetables or truck crops (including potatoes on farms where a potato acreage allotment is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

**NONCROP OPEN PASTURE** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

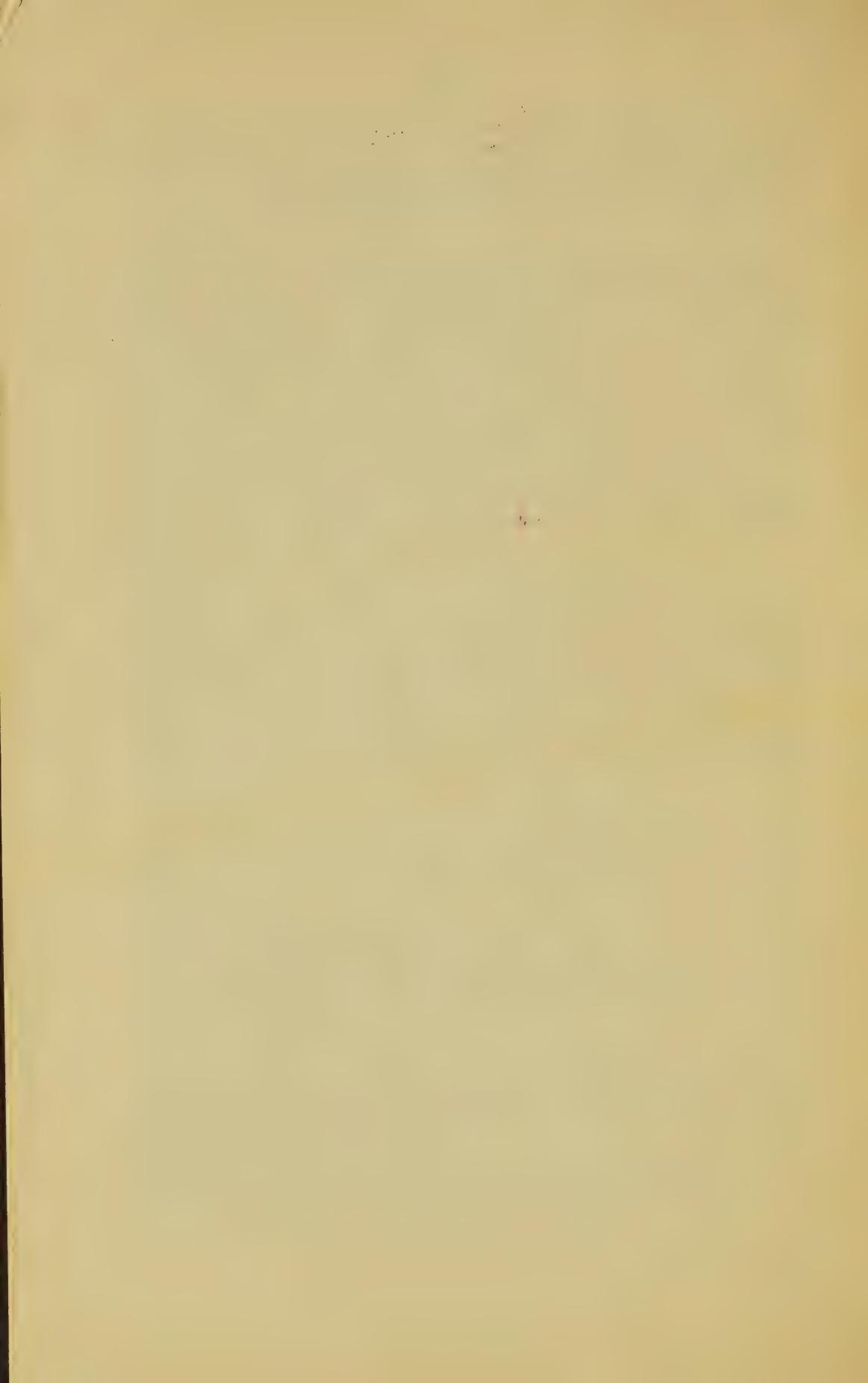
**LANDLORD** means a person who owns land and rents such land to another person or operates such land.

**SHARECROPPER** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

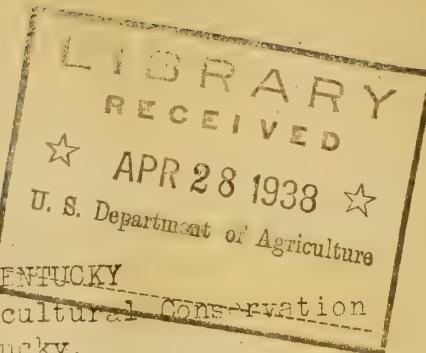
**TENANT** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**ANIMAL UNIT** means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.





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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION



1938 AGRICULTURAL CONSERVATION PROGRAM - KENTUCKY  
A tentative compilation of the provisions of the 1938 Agricultural Conservation Program applicable in the State of Kentucky.

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1938 AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7(a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in payments made because of the extent of participation in the program is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are applicable in the State of Kentucky excluding public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Section 1. National, State, and County Goals. - (a) The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

(1) The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops, and the carrying out of such soil-building practices as will preserve and improve the soil fertility and prevent erosion.

(2) The following acreages of soil-depleting crops:

Cotton	27,000,000 to 29,000,000 acres
Corn	92,000,000 to 96,000,000 acres
Tobacco	
Flue-cured	850,000 to 900,000 acres
Burley	480,000 to 500,000 acres
Fire-cured and dark air-cured	170,000 to 180,000 acres
Cigar filler and binder	85,000 to 90,000 acres
Georgia-Florida Type 62	2,800 to 3,000 acres
Potatoes	3,100,000 to 3,300,000 acres
Peanuts	1,500,000 to 1,600,000 acres
Rice	825,000 to 875,000 acres
Other soil-depleting crops	145,000,000 to 155,000,000 acres
Total soil-depleting crops	273,000,000 to 288,000,000 acres.

(b) State goals for total soil-depleting crops and for individual soil-depleting crops where applicable shall be established by the Agricultural Adjustment Administration on the basis of the average acreage of the various soil-depleting crops grown in each State in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program, taking into consideration trends in acreage, the acreage of food and feed crops required for home consumption, and farms for which goals may be established as large as the usual acreage of crops grown thereon. The total of the State goals for any crop or group of crops shall not be less than the minimum acreage nor more than the maximum acreage specified as the national goal for such crop or group of crops in subsection (a).

(c) The Agricultural Adjustment Administration with the assistance of State committees shall establish county goals for total soil-depleting crops and where applicable for individual soil-depleting crops. County goals for cotton and tobacco shall be established for each county where such crops are grown commercially. County goals for potatoes shall be established in the counties of Bullitt, Jefferson, and Oldham. In establishing county goals the State goal shall

be equitably distributed among the counties on the basis of the average acreage grown in such counties in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program adjusted where necessary for farms for which provision was not made in 1937, taking into consideration trends in acreage, farms for which goals may be established as large as the usual acreage of crops grown thereon, and recommendations of district and county agricultural planning committees with respect to the acreages of various crops and groups of crops which should be grown in each county in order to promote soil conservation.

The Agricultural Adjustment Administration with the assistance of the State committee may establish county goals for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and prevent erosion.

Sec. 2. Goals for Individual Farms. - (a) The county committee in accordance with applicable instructions shall establish for each farm a total soil-depleting crop goal and where applicable goals for cotton, tobacco, and potatoes. The soil-depleting goal for any farm shall represent the farm's equitable share of the county goal taking into consideration good soil management, the tillable acreage on the farm, the type of soil, topography, production facilities, the crop rotation system, the acreage of such crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm. 1/

If the acreage of cotton planted on any farm in 1938 is less than 80 percent of the cotton goal established for that farm, the cotton goal for 1938 shall be reduced to 125 percent of the planted acreage of cotton, unless the county committee finds that the failure to plant 80 percent of the acreage in the cotton goal was due to flood or drought.

The soil-depleting goals for all farms in the county shall not exceed such goals as shall be established for the county by the Agricultural Adjustment Administration, and the sum of the goals for farms furnishing required forms and information shall not exceed their proportionate share of the county goals.

(b) The county committee shall establish for each farm a soil-conserving acreage which shall be the acreage of cropland in the farm (excluding commercial orchards and normally idle cropland) in excess of the total soil-depleting goal for the farm.

(c) The county committee shall establish for each farm a soil-building goal which shall represent the number of acres or acre equivalents of applicable practices listed in Sec. 6 to be carried out on the farm as a condition of payment. The soil-building goal for a farm, except as otherwise noted 2/, shall be

1/ A potato goal will not be established for any farm for which the acreage of land normally planted to potatoes is determined to be less than three acres. The cotton goal for any farm shall not exceed 50 percent of the cropland in the farm.

2/ For any farm for which the total soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of soil-depleting crops for the farm, the soil-building goal shall be the sum of (1) a number of acres equal to one-half the number of dollars computed for the farm under Sec. 3, and (2) the soil-conserving acreage for the farm.

the sum of the following:

(1) (i) One and one-half times the soil-conserving acreage or

(ii) On farms for which cotton goals are established, an acreage equal to not more than the sum of the cotton and tobacco goals and not less than one-half of the sum of such goals may be used if requested by the operator. If this alternative is used, the general soil-depleting goal will not be used in computing the payment for the farm.

(2) The number of acres by which the general soil-depleting goal exceeds the total of the cotton, tobacco, and potato goals, if the general soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of general soil-depleting crops grown on the farm and such goal is used in computing the payment for the farm.

(3) The average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(4) The acreage of commercial orchards on the farm January 1, 1938.

(5) A number of acres equal to one-half the number of dollars computed for the farm (under item 8 of Sec. 3) with respect to noncrop open pasture land.

The county committee shall, insofar as practicable, establish soil-building goals for individual farms in terms of acreages or acreage equivalents of one or more specified soil-building practices which it determines are not routine farming practices on the farm but are needed on the farm in order to preserve and improve soil fertility and prevent erosion and will tend to accomplish the goals established for the county with respect to particular soil-building practices.

Sec. 3. Payment for Full Performance. - Payment will be made with respect to any farm for not exceeding the soil-depleting goal and for achieving the soil-building goal in an amount which shall be the sum of the following:

(1) \$1.50 per acre, adjusted for productivity, for each acre in the general soil-depleting goal: Provided, however, That if such goal is determined to be as large as the usual acreage of general soil-depleting crops grown on the farm, the rate shall be \$1.50 per acre, not adjusted for productivity, on the number of acres in the general soil-depleting goal in excess of the sum of the cotton, tobacco, and potato goals for the farm. The general soil-depleting goal will not be used in computing the payment with respect to farms for which all or part of the sum of the cotton, tobacco, and potato goals is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal.

(2) 2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton goal.

(3) The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco goal for each of the following types of tobacco:

(a) Burley	0.5 cents
(b) Fire-cured and dark air-cured	1.7 cents

(4) 6 cents per bushel of the normal yield per acre of potatoes for the farm for each acre of potatoes planted on the farm in 1938, not in excess of the potato goal.

(5) 70 cents per acre on (a) the soil-conserving acreage; or (b) all or such portion of the sum of the cotton, tobacco, and potato goals as is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal for the farm.

(6) \$2.00 per acre of the average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(7) \$2.00 per acre of commercial orchards on the farm January 1, 1938.

(8) 25 cents per acre of fenced noncrop open pasture land, in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

Sec. 4. Payment for Partial Performance. - The payment computed for any farm, under the provisions of section 3, shall be subject to all of the following deductions which are applicable to the farm.

(1) 8.5 cents per pound of the normal yield for the farm for each acre of fire-cured and dark air-cured tobacco in excess of the fire-cured and dark air-cured tobacco goal.

(2) 5 cents per pound of the normal yield for the farm for each acre of Burley tobacco in excess of the Burley tobacco goal.

(3) 60 cents per bushel of the normal yield for the farm for each acre of potatoes in excess of the potato goal, or, on farms for which potato goals are not established in Bullitt, Jefferson, and Oldham Counties, for each acre by which the acreage of potatoes exceeds 3 acres.

(4) \$12.00, adjusted for the productivity of the farm, for each acre of soil-depleting crops in excess of the total soil-depleting crop goal for the farm less any acreage on which deductions are made pursuant to items (1), (2), (3), and (5) of this Sec. 4.

(5) 3.6 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton goal but not in excess of 115 percent of the cotton goal and 10 cents per pound of the normal yield for the farm for each acre of cotton in excess of 115 percent of the cotton goal for the farm.

(6) \$2.00 for each acre or acre equivalent by which the soil-building goal is not reached.

(7) In Bullitt, Jefferson and Oldham Counties a deduction shall be made from the payment with respect to any farm having a potato goal, for each acre on which commercial vegetables are grown in 1938 in excess of the average acreage on which commercial vegetables were grown on the farm in 1936 and 1937 (adjusted, where necessary, for the effect of abnormal weather conditions on plantings in such years), such deduction to be at the deduction rate applicable to the farm

under this Sec. 4 with respect to potatoes.

Sec. 5. Soil-Depleting Crops. - Land devoted in 1938 to any of the following crops or uses, or such other similar crops and uses as are designated by the Agricultural Adjustment Administration, shall be classified as soil-depleting: 3/

(a) Land planted to the following crops for harvest in 1938:

- (1) Corn (including field corn, sweet corn, silage, and popcorn).
- (2) Grain sorghums.
- (3) Cotton.
- (4) Tobacco.
- (5) Peanuts harvested for nuts.
- (6) Hemp
- (7) Broomcorn.
- (8) Mangels and cowpeas.
- (9) Cultivated sunflowers.
- (10) Truck and vegetable crops (including strawberries, melons, and sweetpotatoes) and their seeds.
- (11) Potatoes.
- (12) Bulbs and flowers.

(b) Land planted to wheat between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or as a nurse crop, and is not harvested for grain or hay.

(c) Land planted to oats, barley, rye, buckwheat, rape, or mixtures of these crops between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

(d) Land planted in 1938 to sweet sorghum, Sudan grass, or millet, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or for pasture and is not harvested for grain, seed, syrup, hay, or silage.

(e) Land planted in 1938 to soybeans harvested for seed for crushing.

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3/ Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none or more than one of such crops reach maturity and an individual crop goal is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop goal is established. If none of such crops reaches maturity and individual crop goals are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop goal is established. If two or more of such crops reach maturity and individual crop goals are established for two or more of such crops reaching maturity, and land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop goal is established.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be occupied by each.

Sec. 6. Soil-Building Practices. - The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted towards meeting the soil-building goal. If a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by a Federal or State agency other than the Agricultural Adjustment Administration, a proportion of the total acreage of the practice not exceeding the proportion of the total cost not furnished by the Federal or State agency may be counted towards meeting the soil-building goal.

#### Schedule of Soil-Building Practices

A. Each acre of the following shall be counted as one acre:

1. Maintaining until after July 1, 1938, a good stand of perennial grasses or perennial or biennial legumes, or mixtures of such grasses and legumes, seeded or established prior to 1938 on crop-land on which no soil-depleting crop is planted between August 1, 1937, and July 31, 1938.
2. Seeding biennial legumes (other than those qualifying under practice B-1 below), orchard grass, or mixtures of timothy or redtop and legumes.

3. Seeding winter legumes or growing annual lespedeza.
  4. Green manure crops (excluding lespedeza and crops which are counted under item 6 or 7 of this section 6) of which a good stand and good growth is plowed or disced under as green manure. 4/
  5. Summer legumes grown alone and not classified as soil-depleting.
  6. Growing Sudan grass, millet, or annual ryegrass, provided a good growth is attained, and the crop is not harvested for grain, seed, or hay, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.
  7. Growing sweet sorghums, provided a good growth is attained, the crop is not pastured or harvested for grain, seed or forage, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.
- B. Each acre of the following shall be counted as one and one-half acres:
1. Seeding approved 5/ domestic or Canadian red clover except in mixtures.
- C. Each acre of the following shall be counted as two acres:
1. Seeding perennial legumes; perennial grasses other than timothy, redtop, and orchard grass; or mixtures of legumes and perennial grasses other than timothy and redtop.
  2. Improving a stand of forest trees under such approved system of farm woodland management as is specified by the regional director.
- D. Each acre of the following shall be counted as five acres:
1. Planting forest trees.
- E. Each acre of the following shall be counted as one-half acre:
1. Summer legumes not classified as soil-depleting, if interplanted or grown in combination with soil-depleting crops.
  2. Seeding timothy or redtop.

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4/ A good stand and good growth of rye in any case and other crops in orchards or on commercial vegetable or potato land may be left on the land as a temporary mulch.

5/ Seed to be approved by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration. In areas where practice B-1 is used similar approval with respect to alfalfa seed under practice C-1 shall also be required.

F. Each of the following practices in the amounts specified shall be counted as one acre. 6/

1. Application of 240 pounds of 20 percent superphosphate (or its equivalent) to, or in connection with the seeding of perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.
2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria or permanent pasture.
3. Application of 500 pounds of basic slag or rock (including colloidal phosphate) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.
4. Construction of 200 linear feet of standard terrace for which proper outlets are provided.
5. Reseeding depleted pastures with good seed of adapted pasture grasses or grasses and legumes - 10 pounds of seed.
6. Application of the following quantities of ground limestone or its equivalent 7/ when applied at a rate not less than 1000 pounds per acre:

1500 pounds in the counties of Floyd, Knott, Leslie, Letcher, Martin, Perry, and Pike; or 2000 pounds in all other counties.

7. Application of 1,000 pounds of finely ground limestone (at least 90 percent to pass through a 30-mesh sieve and all finer particles obtained in the grinding process to be included), except to peanuts and commercial vegetables, such limestone to be applied at the rate of not less than 500 pounds nor more than 1,000 pounds per acre.

Sec. 7. Materials Furnished as Grants of Aid. - Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration.

6/ When the materials specified in item 1 or 2 are applied to perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or crotalaria in connection with a soil-depleting crop, only one-half of the material applied shall be counted.

7/ For purposes of this item 100 pounds of ground oyster shell, 70 pounds of hydrated lime, 50 pounds of burned lime, or 150 pounds of marl, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

Sec. 8. Division of Payment. - The share of each interested person in the payment shall be computed on the basis of the acreage shares of each such person in the soil-depleting crops grown, or the proceeds thereof, and the soil-building practices carried out on the farm in 1938.

In computing the acreage share of each person each acre of fire-cured and dark air-cured tobacco shall be given a weight of 7; each acre of potatoes (planted on the farms for which potato goals are established), a weight of 3; each acre of cotton or Burley tobacco, a weight of 2; each acre of other soil-depleting crops (excluding general soil-depleting crops on farms where the general soil-depleting goal is as large as the usual acreage of crops in such goal), a weight of 1; and each acre unit of soil-building practices (excluding the growing of self-reseeded annual legumes and the maintenance of perennial grasses or perennial or biennial legumes or mixtures of such grasses and legumes and excluding soil-building practices which are carried out by the owner of a farm rented to another person for cash, standing or fixed rent and which are not required in meeting the soil-building goal for the farm), a weight of 1. If the county committee determines that two or more persons have contributed to the carrying-out of any soil-building practice, the acreage of such practice with respect to which such persons contributed shall be divided equally among them.

If, prior to the harvest of any soil-depleting crop, there is a change in the ownership or operation of a farm and the county committee determines that both owners, or both operators, as the case may be, have contributed to performance with respect to the goal for such crop, the acreage of such crop shall be divided between them on the basis of such contribution to performance by agreement in writing, or in the absence of such agreement, by determination of the county committee. Any deductions incurred pursuant to the provisions of Sec. 4 shall be made pro rata from the items making up the maximum payment with respect to the farm.

Sec. 9. Association Membership and Deduction for Expenses. - Any person who previously has not, in accordance with the Articles of Association, become a member of the county agricultural conservation association of the county in which his farm or farms are located shall become a member thereof by signing an application under which a payment can be made with respect to any such farm. Any person shall cease to be a member of the association when it becomes evident that he cannot qualify for a payment in the county in connection with the 1938 Agricultural Conservation Program.

There shall be deducted pro rata from the payments made to members of each county agricultural conservation association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each county agricultural conservation association for the payment of administrative expenses the amount of \$2.00 per farm for that

number of farms estimated by the Agricultural Adjustment Administration with respect to which a payment (prior to deduction of any administrative expenses) of not more than \$20.00 will be made.

Sec. 10. Payments Restricted to Effectuation of the Purposes of the Program. - All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or wood land owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the regional director.

Sec. 11. Payments Computed and Made without Regard to Claims. - Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 12. Changes in Leasing and Cropping Agreements and Other Devices. - If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed any other scheme or device whatsoever, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1938 Agricultural Conservation Program.

Sec. 13. Deductions Incurred on Other Farms. - If a person who makes application for payment with respect to any farm operates, rents to another person for a share of the crops produced thereon, or field-rents to other persons for cash any other farm(s) in the county, and for such other farm(s) an application under which a payment can be made is not filed and deductions computed under Sec. 4, excluding item (6), exceed the amount computed for such other farms under items (1) through (4) (excluding item (1) when the general soil-depleting goal is determined to be as large as the usual acreage of general soil-depleting crops) of Sec. 3, the payment to be made to such person shall be decreased by an amount equal to such person's share 8/ of such deductions in excess of such amount computed under Sec. 3.

The provisions of this Sec. 13 shall be extended to include farms in two or more counties in the State which any person operates, rents to another person for

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8/ To be determined in accordance with the provisions of Sec. 8.

a share of the crops produced thereon or field-rents to other persons for cash, if the State committee finds that the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1938 Agricultural Conservation Program.

Sec. 14. Rates per Acre -- General Crops. - The Secretary shall establish for each county a county rate per acre which will vary among the counties as the productivity of the cropland in the county devoted to the production of corn, wheat, oats, barley, rye, buckwheat, grain sorghums, soybeans, field beans, sorghum for syrup, potatoes (except in counties in which potato goals are established), sweetpotatoes, and broomcorn varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A rate per acre shall in accordance with instructions issued by the Agricultural Adjustment Administration be established for each farm by the county committee, subject to the approval of the State committee. Such rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of such other crop as does reflect the productivity of the farm may be used, provided that the rate per acre for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the rates per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The weighted average rate per acre for all farms in the county shall not exceed the county rate per acre unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county and a variation from the county rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 15. Rates per Acre -- Cotton, Tobacco, and Potatoes. - (a) There shall be established for each county having a cotton, tobacco, or potato goal the county average rate per acre for each such crop for which a county goal is established. Such county average rate per acre shall be determined by the Agricultural Adjustment Administration on the basis of average yields in the county during the ten-year period 1927 to 1936, inclusive, or such combination of five or more years as it is determined most accurately represents the normal yield of such crop in such county. If annual county yields are not available for any crop, the yields for census years and for other years for which data on yields are available to the Agricultural Adjustment Administration and the yields established under the 1937 Agricultural Conservation Program shall be used as a basis for establishing county rates per acre.

(b) The county committee shall establish for each farm having a cotton, tobacco, or potato goal a rate per acre for each such crop for which a goal for

such crop is established. Such rate per acre designated for any farm shall be based upon that yield which the county committee, acting in accordance with applicable instructions, finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of such crop. In designating the yield due consideration shall be given by the committee to the trend of yield per acre as well as the type of soil, drainage, erosion, production practices, general fertility of the land, and the yield of such crop customarily secured on the farm. The weighted average rate per acre for all farms in any county with respect to any such crop shall not exceed the county average rate per acre for such crop unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county producing such crop and a variation from the county average rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 16. Application for Payment. - (a) An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 8, a share in the payment with respect to the farm would be computed and (1) who is growing crops on such farm, is operating such farm or is renting such farm to another person for a share of the crops grown thereon, or (2) who is the owner of such farm and participates thereon in the carrying-out of soil-building practices in 1938.

(b) Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) When an application for payment is filed by a person with respect to a farm in a county a report (upon a prescribed form) shall be submitted covering farming operations on each other farm in the county which such person is operating, renting to another person for a share of the crops produced thereon, or field-rents to other persons for cash. Upon request by the State committee such person also shall submit a report (upon a prescribed form) covering farming operations on any farm in any other county in the State which he operates, rents to another person for a share of the crops grown thereon, or field-rents to other persons for cash.

(d) The payment with respect to any farm shall be computed on the basis of the performance under the 1938 Agricultural Conservation Program on such farm without regard to the performance on other farms, except as provided in Sec. 13. Two or more farms operated by the same person as a unit for a regular crop rotation

or as a unit with respect to workstock, farm machinery, and labor, may, for the purpose of computing payments with respect thereto, be considered one farm (if all of the persons entitled to share in the payment with respect to such farm agree thereto) unless the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration, that the combining of such farms will result in payments not commensurate with performance thereon.

Sec. 17. Determination of County in Which a Farm Is Located. - A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

Sec. 18. Appeals. - Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination: (a) eligibility to file an application for payment; (b) any soil-depleting or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision, appeal in writing to the State committee. The State committee shall within 30 days after the receipt of the appeal inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may, within 15 days thereafter, request the regional director to review the decision of the State committee.

Sec. 19. Instructions and Forms. - The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1938 Agricultural Conservation Program. Such instructions shall include provision for the rounding of fractions in connection with goals, 1938 acreages of crops and practices, and per-acre rates of payment and shall also provide for calculating the net payment to any person to the nearest whole dollar, fractions of 50 cents or less to be dropped and fractions of more than 50 cents to be considered as \$1.00.

Sec. 20. Definitions. - For the purposes of the 1938 Agricultural Conservation Program.

SECRETARY means the Secretary of Agriculture of the United States.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

STATE COMMITTEE means the group of persons designated within any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

FARM means all adjacent or nearby farm land owned by a person (s) which is operated by one person as all or part of the land operated by such person with workstock, farm machinery, and labor substantially separate from that for any other land, or (b) all or part of which is field-rented to and operated by other persons: Provided, That land which is rented for fixed or cash rent or which is field-rented for a share of the crop by an operator from one or more persons in accordance with usual farming arrangements may be included as a part of the farm of the operator.

CROPLAND means farm land which is tilled annually or in a regular rotation but shall not include land which constitutes, or will constitute if such tillage is continued an erosion hazard to the community because of the texture or slope of such land or because of climatic conditions, but shall include land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and shall include also land planted to commercial or non-commercial orchards other than abandoned orchards.

COMMERCIAL ORCHARDS means the acreage in planted fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

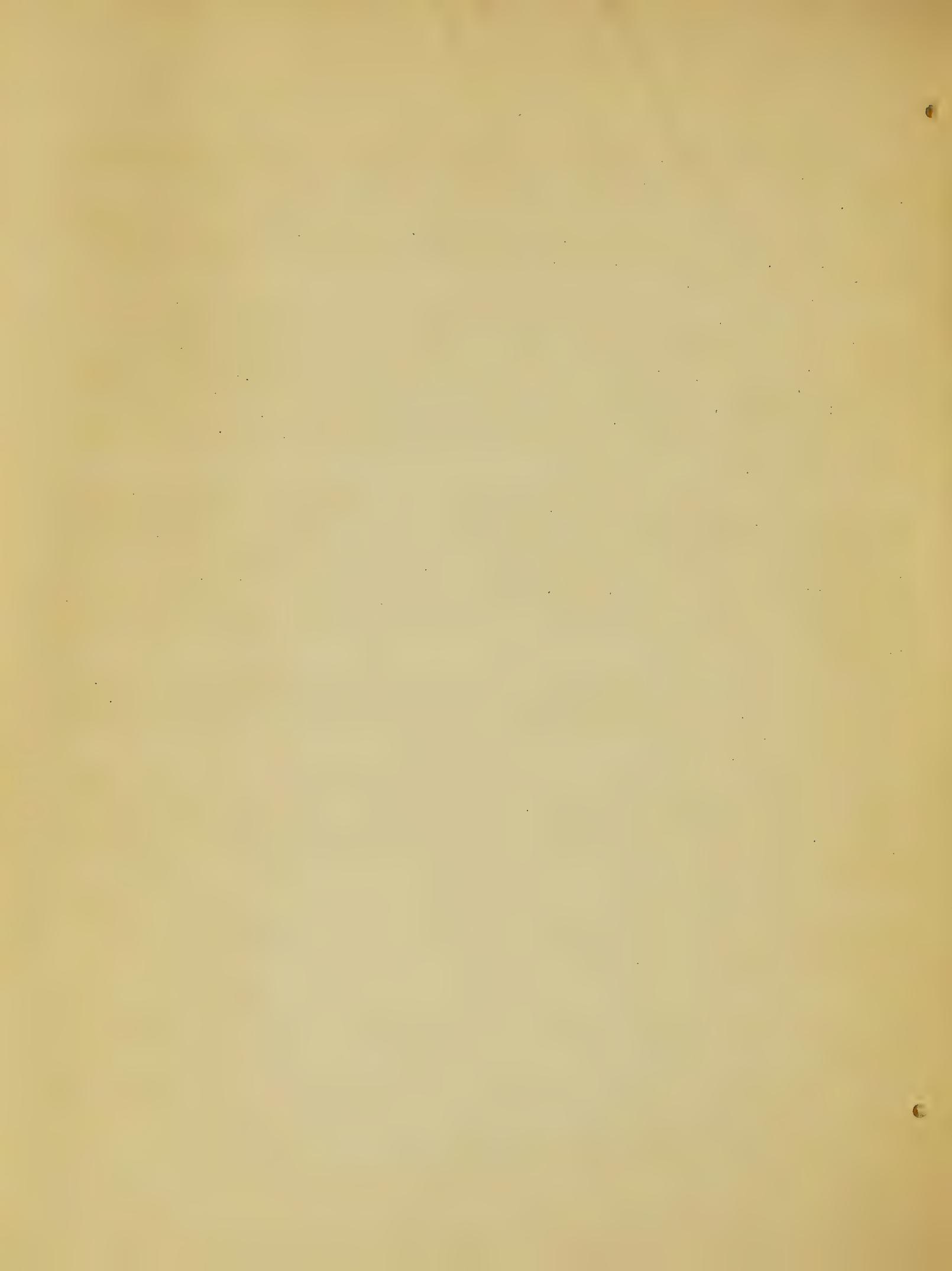
COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including potatoes on farms where a potato goal is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

NONCROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING GOAL means the total soil-depleting goal established for the farm less the acreage included in each individual crop goal established for the farm.

GENERAL SOIL-DEPLETING CROPS means all soil-depleting crops other than those for which individual crop goals are established on the farm.

ANIMAL UNIT means one cow, one horse, five sheep or five goats, two calves, or two colts, or the equivalent thereof.





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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
EAST CENTRAL DIVISION

## 1938 AGRICULTURAL CONSERVATION PROGRAM—KENTUCKY

**The provisions of the 1938 Agricultural Conservation Program as amended May 25, 1938, which are applicable in the State of Kentucky**

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Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin issued by the Secretary of Agriculture April 16, 1938 (ACP-1938-9), as amended May 25, 1938, and the authority vested thereby in the Agricultural Adjustment Administration, payments and grants of aid will be made for participation in the State of Kentucky in the 1938 Agricultural Conservation Program in accordance with the provisions of this East Central Region Bulletin 201 for the State of Kentucky and such modifications thereof or other provisions as may hereafter be made. This bulletin (ECR-201-Kentucky) includes all of the provisions of said 1938 Agricultural Conservation Program Bulletin (ACP-1938-9) as amended May 25, 1938, which are applicable to the State of Kentucky, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the East Central Division.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the

Congress of the United States may hereafter enact. The making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. Under the provisions of section 105 of the Agricultural Adjustment Act of 1938, as amended, payments under the 1938 Agricultural Conservation Program, based on soil-depleting crops for which special acreage allotments are established, shall be made at not less than 90 percent of the rates specified in the 1938 Agricultural Conservation Program Bulletin (ACP-1938) approved October 23, 1937. The rates specified herein with respect to potatoes and fire-cured and dark air-cured tobacco are 90 percent of the rates approved for these commodities on October 23, 1937, and therefore, will not be decreased. As an adjustment for participation the rates of payment and deduction with respect to each other commodity or item of payment may be decreased, and the rates of payment and deduction with respect to any commodity or item of payment may be increased by as much as 10 percent. The provisions of the 1938 Agricultural Conservation Program are not applicable in the State of Kentucky to public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture and other lands in which the beneficial ownership is in the United States.

#### **SECTION I. NATIONAL AND STATE ACREAGE ALLOTMENTS AND GOALS**

**A. National goals.**—The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

1. The following acreages of soil-depleting crops:

Cotton	27,000,000 to 29,000,000 acres
Corn	94,000,000 to 97,000,000 acres
Tobacco:	
Flue-cured	850,000 to 875,000 acres
Burley	440,000 to 460,000 acres
Fire-cured and dark air-cured	170,000 to 180,000 acres
Cigar filler and binder	85,000 to 90,000 acres
Georgia-Florida Type 62	2,800 to 3,000 acres
Potatoes	3,100,000 to 3,300,000 acres
Peanuts	1,500,000 to 1,600,000 acres
Rice	825,000 to 875,000 acres
Total soil-depleting crops	275,000,000 to 290,000,000 acres

2. The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops; the restoration, insofar as is practicable, of a permanent vegetative cover on 6,000,000 acres of land unsuited to the continued production of cultivated crops; and the carrying out of soil-building practices that will preserve and improve soil-fertility and prevent wind and water erosion.

**B. National and State acreage allotments.**—National and State acreage allotments of soil-depleting crops will be determined by the Secretary.

**SECTION II. COUNTY ACREAGE ALLOTMENTS AND GOALS**

**A. County acreage allotments of soil-depleting crops.**—The Agricultural Adjustment Administration with the assistance of State committees shall establish county acreage allotments for total soil-depleting crops, and for cotton, corn, wheat, tobacco, and potatoes, as hereinafter set forth. The soil-depleting acreage allotments for all counties in the State shall not exceed the applicable acreage allotment established for the State by the Secretary as otherwise provided in this bulletin.

**1. Total soil-depleting acreage allotments.**—County acreage allotments of total soil-depleting crops shall be established by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the average acreage of soil-depleting crops grown in such counties in whichever of the periods of 5 or more consecutive years since 1927 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program, adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops, farms for which the general crop acreage allotment will be as large as the usual acreage of general soil-depleting crops, and the relationship of the usual acreage of individual soil-depleting crops to the 1938 acreage allotments in counties where allotments for individual soil-depleting crops are established.

**2. Cotton acreage allotments.**—(a) County acreage allotments for cotton shall be determined as follows: The State acreage allotment of cotton (less 2 percent or such smaller part thereof as the Agricultural Adjustment Administration determines shall be required in the State in making allotments to farms on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937) shall be prorated among the counties in the State on the basis of the acreage planted to cotton during the 5 years, 1933 to 1937, inclusive, plus, in the applicable years, the acreage diverted from the production of cotton under agricultural adjustment and conservation programs, provided, that there shall be added to the acreage allotment for each county so determined the number of acres, if any, required to provide an acreage allotment in such county of not less than 60 percent of the sum of (1) the acreage planted to cotton in such county in 1937, and (2) the acreage therein diverted from the production of cotton in 1937 under the Agricultural Conservation Program.

(b) In any county where the Agricultural Adjustment Administration finds that there are one or more administrative areas which, because of differences in types, kinds, and productivity of the soil or other conditions should be treated separately in order to prevent discrimination, the county acreage allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from the production of cotton under the 1937 Agricultural Conservation Program, or, if the Agricultural Adjustment Administration determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, then on the basis of the cotton

soil-depleting base acreages established under the 1937 Agricultural Conservation Program. Allotments to the farms within each such administrative area shall be made by distributing the allotment for such administrative area in the manner provided in section III for the apportionment of cotton county acreage allotments among farms.

3. **Corn acreage allotments.**—County acreage allotments of corn for Fulton, Henderson, Hickman, and Union Counties shall be established by distributing the State acreage allotment of corn among such counties in such State pro rata on the basis of the acreage of corn seeded for the production of corn in such counties during the 10 years, 1928 to 1937, inclusive, plus in applicable years, the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded to corn in a county in any year of such 10-year period was less than 50 percent or more than 150 percent of the average for the other 9 years, such year shall be eliminated in calculating the average acreage seeded to corn for such county. The average acreage seeded in any county so determined shall be adjusted for trends in acreage by giving due consideration to the average annual increase or decrease in the acreage seeded to corn in the county as indicated by the acreage seeded to corn and diverted from the production of corn under agricultural adjustment and conservation programs during the last 5 years of the period 1928 to 1937, inclusive, as compared with the acreage seeded to corn during the first 5 years of such period.

4. **Wheat acreage allotments.**—County acreage allotments of wheat shall be established by distributing the State acreage allotment of wheat among the counties in the State pro rata on the basis of the acreage of wheat seeded for the production of wheat during the 10 years, 1928 to 1937, inclusive, plus in applicable years the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in a county in any year of such 10-year period was less than 50 percent or more than 150 percent of the average computed for the other 9 years, such year shall be eliminated in calculating the average acreage seeded for the production of wheat in such county. The average acreage seeded in any county for the production of wheat so determined shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreages diverted from the production of wheat during the years 1935, 1936, and 1937, and to the acreages so seeded and diverted during the 10-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

5. **Tobacco acreage allotments.**—County acreage allotments for each kind of tobacco shall be established by distributing the State acreage allotment of such kind of tobacco among the counties in the State on the basis of the base acreages of such kind of tobacco established for such counties under the 1937 Agricultural Conservation Program, taking into consideration allotments for small farms, trends in acreage, seed bed, and other plant diseases.

6. **Potato acreage allotments.**—County acreage allotments of potatoes for Bullitt, Jefferson, and Oldham counties shall be established by distributing the State acreage allotment of potatoes among such counties pro rata on the basis of the average acreage devoted

to potatoes in such counties during the years 1933 to 1937, inclusive, taking into consideration trends in acreage on commercial potato-producing farms as reflected by the acreage planted to potatoes in 1937, as compared with the average acreage planted during such 5-year period and also taking into consideration the acreage of potatoes on noncommercial potato producing farms.

**B. County soil-building goals.**—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent erosion.

### SECTION III. FARM ACREAGE ALLOTMENTS AND GOALS

The county committee, with the assistance of other local committees in the county, shall determine acreage allotments, and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for the farms in a county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration, and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.

#### A. Soil-depleting acreage allotments.—

**1. Total soil-depleting acreage allotment.**—The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm, taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

**2. Cotton allotment.**—(a) County cotton acreage allotments shall be apportioned among the farms in the county on which cotton was planted in any one of the years 1935, 1936, and 1937 in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1937 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of wheat or tobacco for market, or wheat for feeding to livestock for market except that (1) for any such farm with respect to which the highest acreage planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937, is 5 acres or less, the cotton acreage allotment for the farm shall be such highest number of acres if the county cotton acreage allotment is sufficient therefor; (2) for any such farm with respect to which the highest number of acres planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937, is more than 5 acres, the allotment for the farm shall not be less than 5 acres if the county cotton acreage allotment is sufficient therefor; (3) notwithstanding

standing the foregoing provisions of this paragraph (a), a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from the production of cotton in any of the years 1935, 1936, and 1937, was 5 acres or less, and the number of acres required for allotments of 5 acres for each other farm in the county on which cotton was planted in 1935, 1936, or 1937, may be apportioned among farms in the county on which cotton was planted in 1935, 1936, or 1937, and for which the allotment otherwise provided is 5 acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from the production of cotton in any one of the years 1935, 1936, and 1937. In making such allotments under clause (3) in the preceding sentence consideration shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this paragraph (a) exceed the highest number of acres planted to cotton and diverted from the production of cotton in any one of the 3 years 1935, 1936, and 1937.

(b) In case the county allotment is insufficient to provide allotments to farms in the county, which are determined, under instructions issued by the Agricultural Adjustment Administration, to be adequate and representative in view of their past production of cotton and their tilled land, there shall be apportioned to such farms, under instructions issued by the Agricultural Adjustment Administration, such part of a State reserve equal to 4 percent of the State acreage allotment as is necessary to give such farms allotments in conformity with paragraph (a) which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under clauses (1) and (2) of paragraph (a).

(c) Notwithstanding the provision of paragraph (a) above the cotton acreage allotment for any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of the acreage as determined by the county committee to have been planted in cotton in 1937 and the acreage diverted from cotton production in 1937 under the agricultural conservation program, provided that the cotton acreage allotment for any farm shall not be increased under this paragraph to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(d) That portion of the State acreage allotment not apportioned among the counties under section II, subsection A, paragraph 2 (a) hereof shall be apportioned to farms in the State on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937, so as to result in comparable allotments to farms similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other physical facilities affecting the production of cotton. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotments

to such farms in the county, together with such substantiating data as may be required by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported.

**3. Corn allotment.**—Acreage allotments of corn shall be determined for farms in Fulton, Henderson, Hickman, and Union Counties on the basis of tillable acreage, crop-rotation practices, type of soil and topography. The allotment for any farm shall be comparable to the allotments recommended for other farms in the same community which are similar with respect to such factors.

**4. Wheat allotment.**—Acreage allotments of wheat shall be determined for farms on which wheat was seeded for harvest in one or more of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop-rotation practices, type of soil and topography. Not more than 8 percent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat was not seeded for harvest in any one of the 3 years 1935, 1936, and 1937, on the basis of tillable acreage, crop-rotation practices, type of soil and topography. The wheat acreage allotment for any farm shall be comparable with the wheat allotment determined for other farms in the same community which are similar with respect to such factors. No allotment shall be established for any farm for which the normal production of wheat for market is less than 100 bushels.

**5. Tobacco allotment.**—Acreage allotments for each kind of tobacco shall be determined on the basis of past acreage of each kind of tobacco with due allowance for the effects of abnormal weather conditions and plantbed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The tobacco acreage allotment for any farm on which tobacco was grown in one or more of the years 1934 to 1937, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors; *Provided*, That special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is to be produced in 1938 for the first time since 1933 shall not exceed 75 percent of the allotment for other farms in the same community on which tobacco was produced since 1933 which are similar with respect to land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco.

**6. Potato allotment.**—In the counties of Bullitt, Jefferson, and Oldham, allotments shall be determined for each farm normally producing potatoes excluding farms on which the acreage normally planted to potatoes for market is determined to be less than three acres. No potato-acreage allotment shall be less than three acres. Potato-acreage allotments shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, production facilities, and the acreage of potatoes customarily grown on the farm. The potato-acreage allotment for any farm shall be comparable with the allotments for other

farms in the same community which are similar with respect to such factors.

**B. Soil-building goals.**—The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under section IV, subsection B, with respect to the acreage of cropland with respect to which a payment of 70 cents per acre is computed, and the commercial vegetable acreage, commercial orchards, and the non-crop pasture land. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**C. Posting of acreage allotments.**—All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

#### SECTION IV. PAYMENT FOR FULL PERFORMANCE

Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building goals in an amount which shall be the sum of the following:

**A. Soil-depleting acreage allotments.—**

1. **Cotton.**—2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton-acreage allotment; or, if the acreage planted to cotton is less than 80 percent of the cotton-acreage allotment and the county committee finds that the failure to plant 80 percent of such cotton-acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to cotton. The acreage planted to cotton shall be deemed to be that acreage which is seeded to cotton classified as soil depleting.

2. **Corn.**—10 cents per bushel of the normal yield per acre of corn for the farm for each acre in the corn-acreage allotment; or, if the acreage planted to corn is less than 80 percent of the corn-acreage allotment and the county committee finds that the failure to plant 80 percent of such corn-acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to corn. The acreage planted to corn shall be deemed to be that acreage which is seeded to corn classified as soil depleting (excluding (1) any acreage of sweet corn contracted to be sold for canning; (2) any acreage of sweet corn sold for canning or roasting ears; (3) any acreage of sweet corn to be sold or used as seed; and (4) any acreage of popcorn sold as popcorn to be sold or used as seed).

3. **Wheat.**—12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment and the county committee finds that the failure to plant 80 percent of such wheat acreage allotment was not due to flood

or drought, for 125 percent of the acreage planted to wheat. The acreage planted to wheat shall be deemed to be that acreage which is seeded to wheat classified as soil depleting under subsection B of section XIII.

**4. Tobacco.**—The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment for each of the following kinds of tobacco:

(a) Burley	0.5 cent
(b) Fire-cured and dark air-cured	1.53 cents

**5. Potatoes.**—5.4 cents per bushel of the normal yield per acre of potatoes for the farm for each acre of potatoes planted on the farm in 1938 not in excess of the potato acreage allotment. The acreage planted to potatoes shall be deemed to be that acreage which is seeded to potatoes.

#### **B. Payments in connection with soil-building practices.—**

1. 70 cents per acre of cropland on the farm in excess of (1) the acreage used in computing payments with respect to the corn, wheat, potato, and peanut acreage allotments established for the farm, and (2) one and one-half times the acreage used in computing payments with respect to the cotton and tobacco acreage allotments established for the farm.

2. \$1.50 per acre of the average acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

3. \$2.00 per acre of commercial orchards on the farm January 1, 1938.

4. 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

### **SECTION V. PAYMENTS FOR PARTIAL PERFORMANCE**

Payments computed for any farm under the provisions of section IV shall be subject to all the following deductions which are applicable to the farm.

#### **A. Deductions for excess acreages of soil-depleting crops.—**

**1. Cotton.**—5 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton acreage allotment.

**2. Corn.**—50 cents per bushel of the normal yield for the farm on the acreage by which the corn acreage exceeds the corn acreage allotment.

**3. Fire-cured and dark air-cured tobacco.**—7.65 cents per pound of the normal yield for the farm for each acre of fire-cured and dark air-cured tobacco in excess of the fire-cured and dark air-cured tobacco acreage allotment.

**4. Burley tobacco.**—5 cents per pound of the normal yield for the farm for each acre of Burley tobacco in excess of the Burley tobacco acreage allotment.

**5. Potatoes.**—54 cents per bushel of the normal yield for the farm for each acre of potatoes in excess of the potato acreage allotment,

and on farms for which potato acreage allotments are not established, in Bullitt, Jefferson, and Oldham Counties, for each acre by which the acreage of potatoes for market exceeds 3 acres.

**6. Total soil-depleting acreage allotments.**—The following applicable rate for each acre of land classified as soil depleting in excess of the total soil-depleting acreage allotment less the acreage for which deductions are made under items 1 to 5, inclusive, of this subsection A:

(a) 60 cents per bushel of the normal yield of wheat for the farm if a payment is computed for the farm under section IV with respect to a wheat acreage allotment.

(b) \$4.00 per acre if a payment is computed for the farm under section IV with respect to a cotton, corn, tobacco, or potato acreage allotment, but no payment is computed for the farm under section IV with respect to a wheat acreage allotment.

**B. Deductions for failure to carry out soil-building practices.**—\$1.50 for each unit by which the soil-building goal is not reached.

#### SECTION VI. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and deductions in connection with acreage allotments.**—The net payment or net deduction computed for any farm with respect to the corn, cotton, wheat, tobacco, or potato acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the corn, cotton, wheat, tobacco, or potatoes, respectively, grown on the farm in 1938.

In computing such net payments and net deductions with respect to acreage allotments, the deductions computed under section V with respect to soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 6, subsec. A) shall be regarded (a) as deductions with respect to the wheat acreage allotment on farms for which a payment is computed under section IV in connection with a wheat acreage allotment; (b) as pro-rata deductions with respect to the payments computed under section IV in connection with crop-acreage allotments on farms for which no payment is computed in connection with a wheat-acreage allotment; or (c) as deductions with respect to the soil-building goal on farms for which no payment is computed under section IV in connection with crop-acreage allotments, provided that any net amount of such deductions computed for such farms shall be divided equally among the landlords and tenants on the farm.

In the event that corn, cotton, wheat, tobacco, or potatoes are not harvested in 1938 on the farm, or in the event the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deductions, if any, with respect to the acreage allotment for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would

have shared in the proceeds of such crop(s) had such crop(s) been harvested on the farm in 1938 or the acreage of such crop(s) had not been so reduced.

**B. Payments with respect to soil-building practices.**—The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which the county committee determines each such person contributed thereto.

**C. Proration of net deductions.**—If, with respect to any farm, the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm, the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

#### SECTION VII. INCREASE IN SMALL PAYMENTS

The total payment computed under sections IV to VI, inclusive, for any person with respect to any farm shall be increased as follows:

1. Any payment amounting to 71 cents or less shall be increased to \$1;

2. Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent;

3. Any payment amounting to \$1 or more shall be increased in accordance with the following schedule;

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99-----	\$0.40	\$8.00 to \$8.99-----	\$3.20
\$2.00 to \$2.99-----	.80	\$9.00 to \$9.99-----	3.60
\$3.00 to \$3.99-----	1.20	\$10.00 to \$10.99-----	4.00
\$4.00 to \$4.99-----	1.60	\$11.00 to \$11.99-----	4.40
\$5.00 to \$5.99-----	2.00	\$12.00 to \$12.99-----	4.80
\$6.00 to \$6.99-----	2.40	\$13.00 to \$13.99-----	5.20
\$7.00 to \$7.99-----	2.80	\$14.00 to \$14.99-----	5.60

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$15.00 to \$15.99-----	\$6.00	\$39.00 to \$39.99-----	\$11.80
\$16.00 to \$16.99-----	6.40	\$40.00 to \$40.99-----	12.00
\$17.00 to \$17.99-----	6.80	\$41.00 to \$41.99-----	12.10
\$18.00 to \$18.99-----	7.20	\$42.00 to \$42.99-----	12.20
\$19.00 to \$19.99-----	7.60	\$43.00 to \$43.99-----	12.30
\$20.00 to \$20.99-----	8.00	\$44.00 to \$44.99-----	12.40
\$21.00 to \$21.99-----	8.20	\$45.00 to \$45.99-----	12.50
\$22.00 to \$22.99-----	8.40	\$46.00 to \$46.99-----	12.60
\$23.00 to \$23.99-----	8.60	\$47.00 to \$47.99-----	12.70
\$24.00 to \$24.99-----	8.80	\$48.00 to \$48.99-----	12.80
\$25.00 to \$25.99-----	9.00	\$49.00 to \$49.99-----	12.90
\$26.00 to \$26.99-----	9.20	\$50.00 to \$50.99-----	13.00
\$27.00 to \$27.99-----	9.40	\$51.00 to \$51.99-----	13.10
\$28.00 to \$28.99-----	9.60	\$52.00 to \$52.99-----	13.20
\$29.00 to \$29.99-----	9.80	\$53.00 to \$53.99-----	13.30
\$30.00 to \$30.99-----	10.00	\$54.00 to \$54.99-----	13.40
\$31.00 to \$31.99-----	10.20	\$55.00 to \$55.99-----	13.50
\$32.00 to \$32.99-----	10.40	\$56.00 to \$56.99-----	13.60
\$33.00 to \$33.99-----	10.60	\$57.00 to \$57.99-----	13.70
\$34.00 to \$34.99-----	10.80	\$58.00 to \$58.99-----	13.80
\$35.00 to \$35.99-----	11.00	\$59.00 to \$59.99-----	13.90
\$36.00 to \$36.99-----	11.20	\$60.00 to \$185.99-----	14.00
\$37.00 to \$37.99-----	11.40	\$186.00 to \$199.99-----	(1)
\$38.00 to \$38.99-----	11.60	\$200 and over-----	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

#### SECTION VIII. DEDUCTIONS INCURRED ON OTHER FARMS

**A. Other farms in the same county.**—If the deductions computed under section V with respect to any farm in a county exceed the payment for full performance on such farm computed under section IV, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in such county.

**B. Other farms in the State.**—If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution of the program made on such other farms.

#### SECTION IX. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

#### SECTION X. MATERIALS FURNISHED AS GRANTS OF AID

Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm, the amount of such difference shall be repaid by him to the Secretary.

Pursuant to the provisions of this section X, triple superphosphate containing not less than 45 percent of available  $P_2O_5$  will be made available at Sheffield, Ala.; Wales, Tenn.; Baltimore, Md.; and such other points as may be specified by the Regional Director. The deduction for such material shall be at the rate of \$1.60 for each 100 pounds of such material.

#### SECTION XI. GENERAL PROVISIONS RELATING TO PAYMENTS

**A. Payment restricted to effectuation of purposes of the program.**—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld—

1. If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous Agricultural Conservation Programs;

2. If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or

3. If, with respect to forest land or woodland owned or controlled by him, he wilfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning) or, if he clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10" for coniferous species, and approximately 14" for hardwood species except (a) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (b) where the clearing is for needed cropland, or (c) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

If on any farm for which no wheat, cotton, corn, tobacco, or potato acreage allotment is established, the acreage planted to soil-depleting crops in 1938 is in excess of 50 acres and in excess of the total soil-depleting acreage allotment, the deduction provided in paragraph 6 (b) of subsection A of Section V shall be applicable to such farm if the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm. No payment shall be computed with respect to any farm which is idle in 1938.

**B. Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsec. D of this sec. XI) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

**D. Assignments.**—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on a Form ACP-69 in accordance with in-

structions issued by the Agricultural Adjustment Administration, and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any preexisting indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing contained in this Section XI shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

**E. Excess cotton acreage.**—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1938 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1938.

**F. Use of soil-conserving crops for market.**—No payment will be made with respect to any farm unless in 1938 an acreage, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market equal to the acreage by which the normal acreage of soil-depleting crops exceeds the larger of (1) the total soil-depleting acreage allotment or (2) the acreage devoted to soil-depleting crops: *Provided*, That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed 10 percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than ten percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under section XIII hereof.

#### **SECTION XII. APPLICATION FOR PAYMENT**

**A. Persons eligible to file applications.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of section VI, a share in the payment with respect to the farm may be computed, and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms.

Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Applications for other farms.**—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

### SECTION XIII. SOIL-DEPLETING CROPS

Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting. Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

**A. Land planted to the following crops for harvest in 1938:**

1. Corn (including field corn, silage corn, sweet corn, and popcorn, but excluding sown corn used as a green manure crop).
2. Tobacco.
3. Grain sorghums.
4. Cotton (except when such crop fails to reach the stage of growth at which bolls are first formed).
5. Peanuts harvested for nuts.
6. Hemp.
7. Broomcorn.
8. Mangels and cowbeets.
9. Cultivated sunflowers.
10. Truck and vegetable crops (including strawberries, melons, and sweetpotatoes) and their seeds.
11. Potatoes.
12. Bulbs and flowers.

**B. Land planted to wheat, oats, barley, rye, or mixtures of these crops between August 1, 1937, and July 31, 1938, except—**

1. When a good stand and good growth of such crop is used as a green manure crop; or
2. When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

**C. Land planted in 1938 to buckwheat, sweet sorghums, Sudan grass, or millet, harvested for hay, grain, seed, sirup, or silage.**

**D. Land planted in 1938 to soybeans harvested for seed for crushing.**

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none of such crops reaches maturity or if more than one of such crops reach maturity

and an individual crop acreage allotment is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established. If none of such crops reaches maturity and individual crop acreage allotments are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop acreage allotment is established. If two or more of such crops reach maturity and individual crop acreage allotments are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop acreage allotment is established. If two or more of such crops reach maturity, or if none of such crops reaches maturity, and individual crop acreage allotments are not established for any of such crops, the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined, in accordance with instructions issued by the Agricultural Adjustment Administration, to be devoted to each.

In connection with determinations regarding the maturity of crops, field corn, sweet corn, and popcorn hogged off or cut for silage, fodder, or other similar uses, will be deemed to have reached maturity.

If a corn acreage allotment is established for any farm, all acreages of field corn, sweet corn, and popcorn will be regarded as corn acreage for the purpose of determining whether the corn acreage allotment for such farm has been exceeded, except (1) any acreage of sweet corn contracted to be sold for canning; (2) any acreage of sweet corn sold for canning or roasting ears; (3) any acreage of sweet corn to be sold or used as seed; and (4) any acreage of popcorn sold as popcorn to be sold or used as seed.

#### SECTION XIV. SOIL-BUILDING PRACTICES

The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal Agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

If trees are purchased from a Clark-McNary Cooperative State Nursery, such purchases shall not be deemed to be paid for in whole or in part by a State or Federal agency.

### SCHEDULE OF SOIL-BUILDING PRACTICES

**A.** Each of the following practices in the amounts specified shall be counted as one unit, provided that, when the materials specified in items 1, 2, or 3 are applied to biennial or perennial legumes, perennial grasses, winter legumes, lespedeza, or crotalaria, seeded or grown in connection with a soil-depleting crop, only one-half the material applied shall be counted.

1. Application of 240 pounds of 20 percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture. For the purposes of this item 100 pounds of triple superphosphate containing not less than 45 percent of available  $P_2O_5$  shall be considered to be equivalent to 240 pounds of 20 percent superphosphate.

2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.

3. Application of 500 pounds of basic slag, rock phosphate, or colloidal phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.

4. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

5. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed.

6. Application of the following quantities of ground limestone or its equivalent, when applied at a rate not less than 1,000 pounds per acre:

1,500 pounds in the counties of Floyd, Knott, Leslie, Letcher, Martin, Perry, and Pike; or

2,000 pounds in all other counties.

For purposes of this item 100 pounds of ground oyster shell, 150 pounds of limestone screenings, 70 pounds of hydrated lime, 50 pounds of burned lime or 150 pounds of marl shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

7. Application of 1,000 pounds of finely ground limestone (at least 90 percent to pass through a 30-mesh sieve and all finer particles obtained in the grinding process to be included), except to commercial vegetables, such limestone to be applied at the rate of not less than 500 pounds nor more than 1,000 pounds per acre.

**B.** Each acre of the following shall be counted as one unit:

1. Seeding kudzu, alfalfa, sericea, approved red clover, alsike clover, sweet clover, white clover, bur clover, crotalaria, bluegrass, orchard grass, reed canary grass, vetch, Austrian winter peas, crimson clover, annual lespedeza, annual ryegrass, or mixtures of such legumes and perennial grasses other than a mixture consisting solely of timothy and redtop.

2. Green manure crops, soybeans, velvet beans, cowpeas, crimson clover, Austrian winter peas, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, sown corn, or mixtures of any two or more of such crops, of which a good stand and good growth

is plowed or disked under as green manure. A good stand and good growth of soybeans, velvet beans, cowpeas, sweet clover in orchards, or rye, left on the land as a temporary mulch. Summer legumes interplanted or grown in combination with soil-depleting crops and 1938 seedings of sweet clover in orchards will not be counted under this item 2.

C. Each acre of the following shall be counted as two units:

1. With prior approval of the county committee improving a stand of forest trees under such approved system of farm wood-lot management as is specified by the Agricultural Adjustment Administration.

D. Each acre of the following shall be counted as five units:

1. Planting forest trees, provided such trees are protected and cultivated in accordance with good tree-culture practice.

E. Each two acres of the following shall be counted as one unit:

1. Summer legumes (interplanted or grown in combination with soil-depleting crops) of which a good stand and a good growth is plowed or disked under or left on the land.

2. Seeding timothy or redtop or a mixture consisting solely of timothy or redtop.

#### SECTION XV. NORMAL YIELDS

A. **Normal yields of special soil-depleting crops.**—The county committee with the assistance of other local committees in the county shall determine for each farm for which a cotton, corn, wheat, tobacco, or potato acreage allotment is to be established a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration.

1. **Cotton:**

(a) Where reliable records of the actual average yield of cotton per acre for the years 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 5-year period.

(c) The yields determined under paragraph (b) of this subdivision 1 shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton-acreage allotments established for such farms) shall conform to the county (or administrative area) average yield established by the Secretary.

## 2. Corn and wheat:

(a) Where reliable records of the actual average yield per acre of corn or wheat, as the case may be, for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such 10-year period reliable records of the actual average yield are not available or there was no actual yield because the commodity was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 10-year period. Where the productivity index most recently established for the farm in connection with the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

(c) The yields determined under paragraph (b) of this subdivision 1 shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton acreage allotments established for such farms) shall conform to the county (or administrative area) average yield established by the Secretary.

## 3. Tobacco and potatoes:

(a) The normal yield of tobacco or potatoes, as the case may be, for any farm shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1938 with due consideration for type of soil, drainage, production practices, general fertility of the land and the yield of such crop customarily secured on the farm. The average yield for all farms in any county with respect to any such crop shall not exceed the county average yield for the crop established by the Secretary.

## SECTION XVI. APPEALS

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision, if forwarded to or made available to him, appeal

in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

#### **SECTION XVII. STATE AND REGIONAL BULLETINS, INSTRUCTIONS, AND FORMS**

The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program.

#### **SECTION XVIII. DEFINITIONS**

For the purposes of the 1938 Agricultural Conservation Program:  
**SECRETARY** means the Secretary of Agriculture of the United States.

**REGIONAL DIRECTOR** means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

**EAST CENTRAL REGION** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**STATE COMMITTEE** means the group of persons designated within the State of Kentucky to assist in the administration of the 1938 Agricultural Conservation Program in the State.

**COUNTY COMMITTEE** means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

**PERSON** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**FARM** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops: *Provided*, That land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or adminis-

trative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**CROPLAND** means farm land which is tilled annually or in a regular rotation, *excluding commercial orchards*, but including any other land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to noncommercial orchards other than abandoned orchards.

**COMMERCIAL ORCHARDS** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1938 (excluding nonbearing orchards and vineyards), from which the principal part of the production is normally sold.

**COMMERCIAL CORN-PRODUCING AREA** means the area included in the counties of Fulton, Henderson, Hickman, and Union.

**COMMERCIAL VEGETABLES** means the acreage of vegetables or truck crops (including potatoes on farms where a potato acreage allotment is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

**COTTON** means cotton the staple of which is normally less than  $1\frac{1}{2}$  inches in length. American-Egyptian cotton, Sea Island cotton, and any other cotton the staple of which is normally  $1\frac{1}{2}$  inches or more in length shall be considered as a general soil-depleting crop and not as cotton in connection with the 1938 Agricultural Conservation Program.

**NONCROP OPEN PASTURE** means pasture land (other than rotation pasture land), on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**LANDLORD** means a person who owns land and rents such land to another person or operates such land.

**SHARECROPPER** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**TENANT** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**ANIMAL UNIT** means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.



UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

RECEIVED  
APR 28 1938  
U. S. Department of Agriculture

1938 AGRICULTURAL CONSERVATION PROGRAM - MARYLAND  
A tentative compilation of the provisions of the 1938 Agricultural Conservation Program applicable in the State of Maryland.

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1938 AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7(a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United

States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in payments made because of the extent of participation in the program is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are applicable in the State of Maryland, excluding counties for which special programs under said Act are approved for 1938 by the Secretary, and public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Section 1. National, State, and County Goals. - (a) The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

(1) The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops, and the carrying out of such soil-building practices as will preserve and improve the soil fertility and prevent erosion.

(2) The following acreages of soil-depleting crops:

Cotton	27,000,000 to 29,000,000 acres
Corn	92,000,000 to 96,000,000 acres
Tobacco	
Flue-cured	850,000 to 900,000 acres
Burley	480,000 to 500,000 acres
Fire-cured and dark air-cured	170,000 to 180,000 acres
Cigar filler and binder	85,000 to 90,000 acres
Georgia-Florida Type 62	2,800 to 3,000 acres
Potatoes	3,100,000 to 3,300,000 acres
Peanuts	1,500,000 to 1,600,000 acres
Rice	825,000 to 875,000 acres
Other soil-depleting crops	145,000,000 to 155,000,000 acres
Total soil-depleting crops	273,000,000 to 288,000,000 acres

(b) State goals for total soil-depleting crops and for individual soil-depleting crops where applicable shall be established by the Agricultural Adjustment Administration on the basis of the average acreage of the various soil-depleting crops grown in each State in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program, taking into consideration trends in acreage, the acreage of food and feed crops required for home consumption, and farms for which goals may be established as large as the usual acreage of crops grown thereon. The total

of the State goals for any crop or group of crops shall not be less than the minimum acreage nor more than the maximum acreage specified as the national goal for such crop or group of crops in subsection (a).

(c) The Agricultural Adjustment Administration with the assistance of State committees shall establish county goals for total soil-depleting crops and for potatoes. In establishing county goals the State goal shall be equitably distributed among the counties on the basis of the average acreage grown in such counties in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program adjusted where necessary for farms for which provision was not made in 1937, taking into consideration trends in acreage, farms for which goals may be established as large as the usual acreage of crops grown thereon, and recommendations of district and county agricultural planning committees with respect to the acreages of various crops and groups of crops which should be grown in each county in order to promote soil conservation.

The Agricultural Adjustment Administration with the assistance of the State committee may establish county goals for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and prevent erosion.

Sec. 2. Goals for Individual Farms. - (a) The county committee in accordance with applicable instructions shall establish for each farm a total soil-depleting crop goal and where applicable a goal for potatoes. The soil-depleting goal for any farm shall represent the farm's equitable share of the county goal taking into consideration good soil management, the tillable acreage on the farm, the type of soil, topography, production facilities, the crop rotation system, the acreage of such crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm. 1/

The soil-depleting goals for all farms in the county shall not exceed such goals as shall be established for the county by the Agricultural Adjustment Administration, and the sum of the goals for farms furnishing required forms and information shall not exceed their proportionate share of the county goals.

(b) The county committee shall establish for each farm a soil-conserving acreage which shall be the acreage of cropland in the farm (excluding commercial orchards and normally idle cropland) in excess of the total soil-depleting goal for the farm.

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1/ A potato goal will not be established for any farm for which the acreage of land normally planted to potatoes is determined to be less than three acres.

(c) The county committee shall establish for each farm a soil-building goal which shall represent the number of acres or acre equivalents of applicable practices listed in Sec. 6 to be carried out on the farm as a condition of payment. The soil-building goal for a farm, except as otherwise noted 2/, shall be the sum of the following:

(1) One and one-half times the soil-conserving acreage.

(2) The number of acres by which the general soil-depleting goal exceeds the potato goal, if the general soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of general soil-depleting crops grown on the farm and such goal is used in computing the payment for the farm.

(3) The average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(4) The acreage of commercial orchards on the farm January 1, 1938.

(5) A number of acres equal to one-half the number of dollars computed for the farm (under item 6 of Sec. 3) with respect to noncrop open pasture land.

The county committee shall, insofar as practicable, establish soil-building goals for individual farms in terms of acreages or acreage equivalents of one or more specified soil-building practices which it determines are not routine farming practices on the farm but are needed on the farm in order to preserve and improve soil fertility and prevent erosion and will tend to accomplish the goals established for the county with respect to particular soil-building practices.

Sec. 3. Payment for Full Performance. - Payment will be made with respect to any farm for not exceeding the soil-depleting goal and for achieving the soil-building goal in an amount which shall be the sum of the following:

(1) \$1.50 per acre, adjusted for productivity, for each acre in the general soil-depleting goal: Provided, however, That if such goal is determined to be as large as the usual acreage of general soil-depleting crops grown on the farm, the rate shall be \$1.50 per acre, not adjusted for productivity, on the number of acres in the general soil-depleting goal in excess of the potato goal for the farm.

(2) 6 cents per bushel of the normal yield per acre of potatoes for the farm for each acre of potatoes planted on the farm in 1938, not in excess of the potato goal.

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2/ For any farm for which the total soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of soil-depleting crops for the farm, the soil-building goal shall be the sum of (1) a number of acres equal to one-half the number of dollars computed for the farm under Sec. 3, and (2) the soil-conserving acreage for the farm.

- (3) 70 cents per acre on (a) the soil-conserving acreage.
- (4) \$2.00 per acre of the average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.
- (5) \$2.00 per acre of commercial orchards on the farm January 1, 1938.

(6) 25 cents per acre of fenced noncrop open pasture land, in excess of one half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

Sec. 4. Payment for Partial Performance. - The payment computed for any farm, under the provisions of section 3, shall be subject to all of the following deductions which are applicable to the farm.

- (1) 60 cents per bushel of the normal yield for the farm for each acre of potatoes in excess of the potato goal or, on farms for which potato goals are not established, for each acre by which the acreage of potatoes exceeds 3 acres.
- (2) \$12.00 adjusted for the productivity of the farm for each acre of soil-depleting crops in excess of the total soil-depleting crop goal for the farm less any acreage on which deductions are made pursuant to item (1) of this Sec. 4.
- (3) \$2.00 for each acre or acre equivalent by which the soil-building goal is not reached.

(4) A deduction shall be made from the payment with respect to any farm having a potato goal, for each acre on which commercial vegetables are grown in 1938 in excess of the average acreage on which commercial vegetables were grown on the farm in 1936 and 1937 (adjusted, where necessary, for the effect of abnormal weather conditions on plantings in such years), such deduction to be at the deduction rate applicable to the farm under this Sec. 4 with respect to potatoes.

Sec. 5. Soil-Depleting Crops. - Land devoted in 1938 to any of the following crops or uses, or such other similar crops and uses as are designated by the Agricultural Adjustment Administration, shall be classified as soil-depleting:<sup>3</sup>

- (a) Land planted to the following crops for harvest in 1938:
  - (1) Corn (including field corn, sweet corn, silage, and popcorn, but excluding sown corn used as a cover crop or green manure crop).
  - (2) Tobacco.
  - (3) Mangels and cowbeets.

<sup>3/</sup> Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

- (4) Truck and vegetable crops (including strawberries, melons, and sweetpotatoes) and their seeds.
- (5) Potatoes.
- (6) Bulbs and flowers.
- (7) Canning peas.

(b) Land planted to wheat between August 1, 1937, and July 31, 1938, except

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or as a nurse crop, and is not harvested for grain or hay.

(c) Land planted to oats, barley, rye, buckwheat, flax, rape, or mixtures of these crops between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

(d) Land planted in 1938 to sweet sorghum, Sudan grass, millet, or sown corn, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or for pasture and is not harvested for grain, seed, syrup, hay, or silage.

(e) Land planted in 1938 to soybeans harvested for seed for crushing.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none or more than one of such crops reach maturity and an individual crop goal is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop goal is established.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be occupied by each.

Sec. 6. Soil-Building Practices. - The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted towards meeting the soil-building goal. If a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by a Federal or State agency other than the Agricultural Adjustment Administration, a proportion of the total acreage of the practice not exceeding the proportion of the total cost not furnished by the Federal or State agency may be counted towards meeting the soil-building goal.

Schedule of Soil-Building Practices

A. Each acre of the following shall be counted as one acre:

1. Maintaining until after July 1, 1938, a good stand of perennial grasses or perennial or biennial legumes, or mixtures of such grasses and legumes, seeded or established prior to 1938 on cropland on which no soil-depleting crop is planted between August 1, 1937, and July 31, 1938.
2. Seeding biennial legumes (other than those qualifying under practice B-1 below), orchard grass, or mixtures of timothy or redtop and legumes.
3. Seeding winter legumes or growing annual lespedeza.
4. Green manure crops (excluding lespedeza and crops counted under item 6 or 7 of this section 6) of which a good stand and good growth is plowed or disced under as green manure. 4/
5. Summer legumes grown alone and not classified as soil-depleting.
6. Growing Sudan grass, millet, or annual ryegrass, provided a good growth is attained, and the crop is not harvested for grain, seed, or hay, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.
7. Growing sweet sorghums or sown or close-drilled corn, provided a good growth is attained, the crop is not pastured or harvested for grain, seed or forage, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.

B. Each acre of the following shall be counted as one and one-half acres:

1. Seeding approved 5/ domestic or Canadian red clover except in mixtures.

4/ A good stand and good growth of rye in any case and other crops in orchards or on commercial vegetable or potato land may be left on the land as a temporary mulch.  
5/ Seed to be approved by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration. In areas where practice B-1 is used similar approval with respect to alfalfa seed under practice C-1 shall also be required.

C. Each acre of the following shall be counted as two acres:

1. Seeding perennial legumes; perennial grasses other than timothy, redtop, and orchard grass; or mixtures of legumes and perennial grasses other than timothy and redtop.
2. Improving a stand of forest trees under such approved system of farm woodland management as is specified by the regional director.

D. Each acre of the following shall be counted as five acres:

1. Planting forest trees (including shrubs in protective plantings).

E. Each acre of the following shall be counted as one-half acre:

1. Summer legumes not classified as soil-depleting, if interplanted or grown in combination with soil-depleting crops.
2. Seeding timothy or redtop.

F. Each of the following practices in the amounts specified shall be counted as one acre. 6/

1. Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.
2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.
3. Application of 500 pounds of basic slag or rock (including colloidal) phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.
4. Construction of 200 linear feet of standard terrace for which proper outlets are provided.
5. Reseeding depleted pastures with good seed of adapted pasture grasses or grasses and legumes - 10 pounds of seed.
6. Contour ridging of noncrop open pasture land - 750 linear feet of ridge or terrace.
7. Application of the following quantities of ground limestone or its equivalent 7/ when applied at a rate not less than 1000 pounds per acre:

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6/ When the materials specified in items 1, 2, or 3 are applied to perennial or biennial legumes, perennial grasses, winter legumes, or lespedeza in connection with a soil-depleting crop, only one-half of the material applied shall be counted.

7/ For purposes of this item 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

1500 pounds in the counties of Allegany, Garrett, and Washington;  
1000 pounds in the counties of Baltimore, Carroll, Frederick, Harford,

Howard, and Montgomery; and

800 pounds in the counties of Anne Arundel, Calvert, Caroline, Cecil,  
Charles, Dorchester, Kent, Prince Georges, Queen Annes, Somerset,  
St. Marys, Talbot, Wicomico, and Worcester.

8. Application of 1,000 pounds of finely ground limestone (at least 90 percent to pass through a 30-mesh sieve and all finer particles obtained in the grinding process to be included), except to commercial vegetables, such limestone to be applied at the rate of not less than 500 pounds nor more than 1,000 pounds per acre.

Sec. 7. Materials Furnished as Grants of Aid. - Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration.

Sec. 8. Division of Payment. - The share of each interested person in the payment shall be computed on the basis of the average shares of each such person in the soil-depleting crops grown, or the proceeds thereof, and the soil-building practices carried out on the farm in 1938.

In computing the acreage share of each person each acre of potatoes (planted on the farms for which potato goals are established), shall be given a weight of 3; each acre of other soil-depleting crops (excluding general soil-depleting crops on farms where the general soil-depleting goal is as large as the usual acreage of crops in such goal), a weight of 1; and each acre unit of soil-building practices (excluding the growing of self-reseeded annual legumes and the maintenance of perennial grasses or perennial or biennial legumes or mixtures of such grasses and legumes and excluding soil-building practices which are carried out by the owner of a farm rented to another person for cash or standing or fixed rent and which are not required in meeting the soil-building goal for the farm), a weight of 1. If the county committee determines that two or more persons have contributed to the carrying-out of any soil-building practice, the acreage of such practice with respect to which such persons contributed shall be divided equally among them.

If, prior to the harvest of any soil-depleting crop, there is a change in the ownership or operation of a farm and the county committee determines that both owners, or both operators, as the case may be, have contributed to performance with respect to the goal for such crop, the acreage of such crop shall be divided between them on the basis of such contribution to performance by agreement in writing, or in the absence of such agreement, by determination of the county committee. Any deductions incurred pursuant to the provisions of Sec. 4 shall be made pro rata from the items making up the maximum payment with respect to the farm.

Sec. 9. Association Membership and Deduction for Expenses. - Any person who previously has not, in accordance with the Articles of Association, become a member of the county agricultural conservation association of the county in which his farm or farms are located shall become a member thereof by signing an application under which a payment can be made with respect to any such farm. Any person shall cease to be a member of the association when it becomes evident that he cannot qualify for a payment in the county in connection with the 1938 Agricultural Conservation Program.

There shall be deducted pro rata from the payments made to members of each county agricultural conservation association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each county agricultural conservation association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms estimated by the Agricultural Adjustment Administration with respect to which a payment (prior to deduction of any administrative expenses) of not more than \$20.00 will be made.

Sec. 10. Payments Restricted to Effectuation of the Purposes of the Program. - All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or wood land owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the regional director.

Sec. 11. Payments Computed and Made without Regard to Claims. - Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 12. Changes in Leasing and Cropping Agreements and Other Devices. - If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed any other scheme or device whatsoever, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which had been or would otherwise be made to such person for performance in

connection with the 1938 Agricultural Conservation Program.

Sec. 13. Deductions Incurred on Other Farms. - If a person who makes application for payment with respect to any farm operates, rents to another person for a share of the crops produced thereon, or field-rents to other persons for cash any other farm(s) in the county, and for such other farm(s) an application under which a payment can be made is not filed and deductions computed under Sec. 4, excluding item (3), exceed the amount computed for such other farms under items (1) and (2) (excluding item (1) when the general soil-depleting goal is determined to be as large as the usual acreage of general soil-depleting crops) of Sec. 3, the payment to be made to such person shall be decreased by an amount equal to such person's share<sup>8/</sup> of such deductions in excess of such amount computed under Sec. 3.

The provisions of this Sec. 13 shall be extended to include farms in two or more counties in the State which any person operates, rents to another person for a share of the crops produced thereon or field-rents to other persons for cash, if the State committee finds that the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1938 Agricultural Conservation Program.

Sec. 14. Rates per Acre -- General Crops. - The Secretary shall establish for each county a county rate per acre which will vary among the counties as the productivity of the cropland in the county devoted to the production of corn, wheat, oats, barley, rye, buckwheat, grain sorghums, soybeans, field beans, sorghum for syrup, sweetpotatoes, and broomcorn varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A rate per acre shall in accordance with instructions issued by the Agricultural Adjustment Administration be established for each farm by the county committee, subject to the approval of the State committee. Such rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of such other crop as does reflect the productivity of the farm may be used, provided that the rate per acre for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the rates per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The weighted average rate per acre for all farms in the county shall not exceed the county rate per acre unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county and a variation from the county rate per acre is approved by the Agricultural Adjustment Administration.

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8/ To be determined in accordance with the provisions of Sec. 8.

Sec. 15. Rate per Acre -- Potatoes. - (a) There shall be established for each county having a potato goal the county average rate per acre for such crop. Such county average rate per acre shall be determined by the Agricultural Adjustment Administration on the basis of average yields in the county during the ten-year period 1927 to 1936, inclusive, or such combination of five or more years as it is determined most accurately represents the normal yield of such crop in such county. If annual county yields are not available for such crop, the yields for census years and for other years for which data on yields are available to the Agricultural Adjustment Administration and the yields established under the 1937 Agricultural Conservation Program shall be used as a basis for establishing county rates per acre.

(b) The county committee shall establish for each farm having a potato goal a rate per acre for such crop. Such rate designated for any farm shall be based upon that yield which the county committee, acting in accordance with applicable instructions finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of such crop. In designating the yield due consideration shall be given by the committee to the trend of yield per acre as well as the type of soil, drainage, erosion, production practices, general fertility of the land, and the yield of such crop customarily secured on the farm. The weighted average rate per acre for all farms in any county with respect to such crop shall not exceed the county average rate per acre for such crop unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county producing such crop and a variation from the county average rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 16. Application for Payment. - (a) An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 8, a share in the payment with respect to the farm would be computed and (1) who is growing crops on such farm, is operating such farm or is renting such farm to another person for a share of the crops grown thereon, or (2) who is the owner of such farm and participates thereon in the carrying-out of soil-building practices in 1938.

(b) Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) When an application for payment is filed by a person with respect to a farm in a county a report (upon a prescribed form) shall be submitted covering farming operations on each other farm in the county which such person is operating, renting to another person for a share of the crops produced thereon, or field-rents to other persons for cash. Upon request by the State committee such person

also shall submit a report (upon a prescribed form) covering farming operations on any farm in any other county in the State which he operates, rents to another person for a share of the crops grown thereon, or field-rents to other persons for cash.

(d) The payment with respect to any farm shall be computed on the basis of the performance under the 1938 Agricultural Conservation Program on such farm without regard to the performance on other farms, except as provided in Sec. 13. Two or more farms operated by the same person as a unit for a regular crop rotation or as a unit with respect to workstock, farm machinery, and labor, may, for the purpose of computing payments with respect thereto, be considered one farm (if all of the persons entitled to share in the payment with respect to such farms agree thereto) unless the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration, that the combining of such farms will result in payments not commensurate with performance thereon.

Sec. 17. Determination of County in Which a Farm Is Located. - A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

Sec. 18. Appeals. - Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination: (a) eligibility to file an application for payment; (b) any soil-depleting or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision, appeal in writing to the State committee. The State committee shall within 30 days after the receipt of the appeal inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may, within 15 days thereafter, request the regional director to review the decision of the State committee.

Sec. 19. Instructions and Forms. - The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1938 Agricultural Conservation Program. Such instructions shall include provision for the rounding of fractions in connection with goals, 1938 acreages of crops and practices, and per-acre rates of payment and shall also provide for calculating the net payment to any person to the nearest whole dollar, fractions of 50 cents or less to be dropped and fractions of more than 50 cents to be considered as \$1.00.

Sec. 20. Definitions. - For the purposes of the 1938 Agricultural Conservation Program.

SECRETARY means the Secretary of Agriculture of the United States.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

STATE COMMITTEE means the group of persons designated within any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

FARM means all adjacent or nearby farm land owned by a person (a) which is operated by one person as all or part of the land operated by such person with workstock, farm machinery, and labor substantially separate from that for any other land, or (b) all or part of which is field-rented to and operated by other persons: Provided, That land which is rented for fixed or cash rent or which is field-rented for a share of the crop by an operator from one or more persons in accordance with usual farming arrangements may be included as a part of the farm of the operator.

CROPLAND means farm land which is tilled annually or in a regular rotation but shall not include restoration land or any land which constitutes, or will constitute if such tillage is continued, an erosion hazard to the community because of the texture or slope of such land or because of climatic conditions, but shall include land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and shall include also land planted to commercial or non-commercial orchards other than abandoned orchards.

COMMERCIAL ORCHARDS means the acreage in planted fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

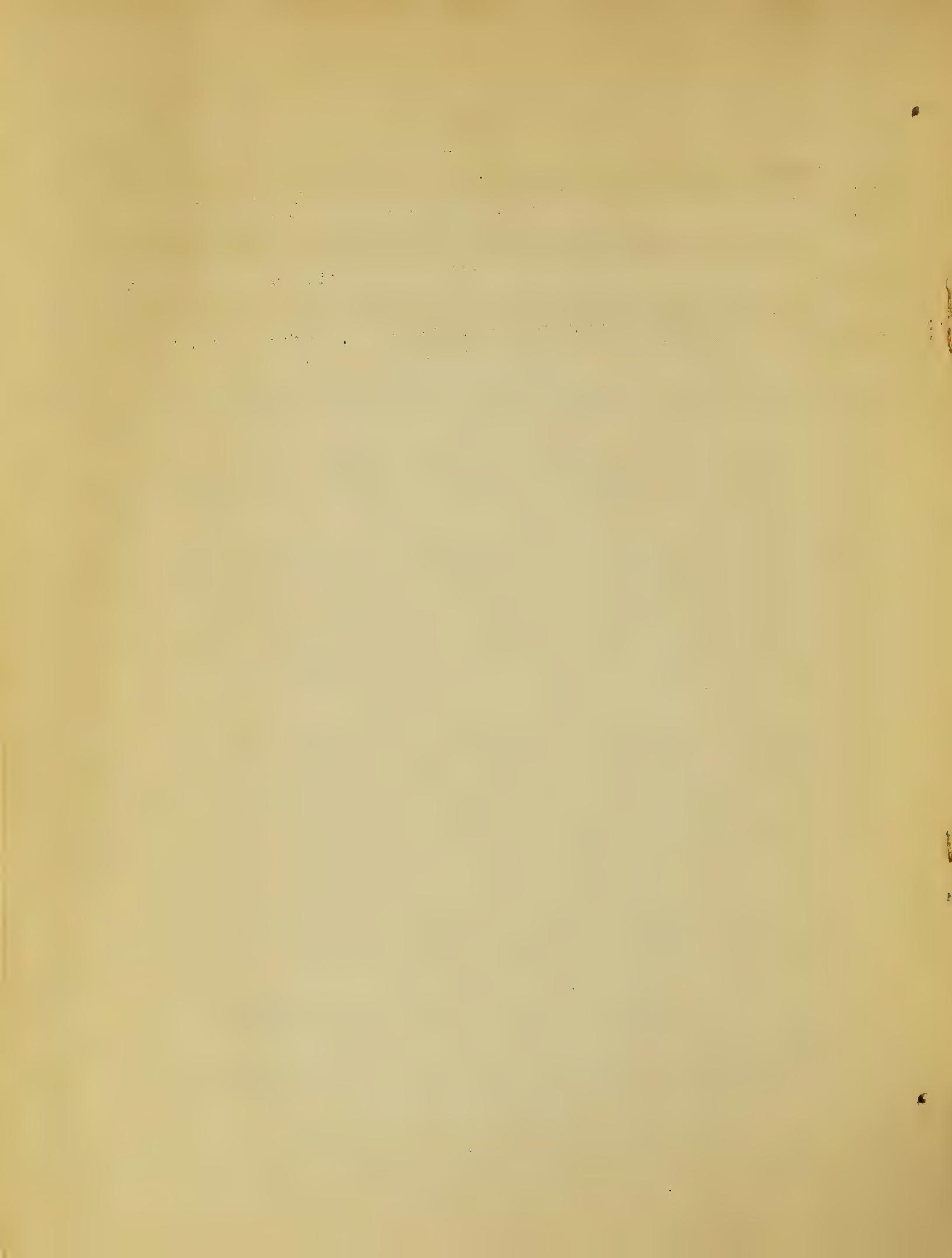
COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including potatoes on farms where a potato goal is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

NONCROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING GOAL means the total soil-depleting goal established for the farm less the acreage included in the potato goal established for the farm.

GENERAL SOIL-DEPLETING CROPS means all soil-depleting crops other than potatoes.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.





May 1938

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
EAST CENTRAL DIVISION

JUL 29 1938

## 1938 AGRICULTURAL CONSERVATION PROGRAM— MARYLAND

**The provisions of the 1938 Agricultural Conservation Program as amended May 25, 1938, which are applicable in the State of Maryland**

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Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin issued by the Secretary of Agriculture April 16, 1938 (ACP-1938-9) as amended May 25, 1938, and the authority vested thereby in the Agricultural Adjustment Administration, payments and grants of aid will be made for participation in the State of Maryland in the 1938 Agricultural Conservation Program in accordance with the provisions of this East Central Region Bulletin 201 for the State of Maryland, and such modifications thereof or other provisions as may hereafter be made. This bulletin (ECR-201-Maryland) includes all of the provisions of said 1938 Agricultural Conservation Program Bulletin (ACP-1938-9) as amended May 25, 1938, which are applicable to the State of Maryland, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the East Central Division.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact. The making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for

such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act as amended, and the extent of national participation. Under the provisions of section 105 of the Agricultural Adjustment Act of 1938, as amended, payments under the 1938 Agricultural Conservation Program, based on soil-depleting crops for which special acreage allotments are established, shall be made at not less than 90 percent of the rates specified in the 1938 Agricultural Conservation Program Bulletin (ACP-1938) approved October 23, 1937. The rate specified herein with respect to potatoes is 90 percent of the rate approved for potatoes on October 23, 1937, and therefore, will not be decreased. As an adjustment for participation the rates of payment and deduction with respect to each other commodity or item of payment may be decreased, and the rates of payment and deduction with respect to any commodity or item of payment may be increased by as much as 10 percent. The provisions of the 1938 Agricultural Conservation Program are not applicable in the State of Maryland to (1) counties for which special programs under the Soil Conservation and Domestic Allotment Act are approved for 1938 by the Secretary, and (2) public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture and other lands in which the beneficial ownership is in the United States.

#### SECTION I. NATIONAL AND STATE ACREAGE ALLOTMENTS AND GOALS

**A. National goals.**—The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

1. The following acreages of soil-depleting crops:

Cotton-----	27,000,000 to 29,000,000 acres
Corn-----	94,000,000 to 97,000,000 acres
Tobacco :	
Flue-cured-----	850,000 to 875,000 acres
Burley-----	440,000 to 460,000 acres
Fire-cured and dark air-cured-----	170,000 to 180,000 acres
Cigar filler and binder-----	85,000 to 90,000 acres
Georgia-Florida Type 62-----	2,800 to 3,000 acres
Potatoes-----	3,100,000 to 3,300,000 acres
Peanuts-----	1,500,000 to 1,600,000 acres
Rice-----	825,000 to 875,000 acres
Total soil-depleting crops-----	275,000,000 to 290,000,000 acres

2. The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops; the restoration, insofar as is practicable, of a permanent vegetative cover on 6,000,000 acres of land unsuited to the continued production of cultivated crops; and the carrying out of soil-building practices that will preserve and improve soil fertility and prevent wind and water erosion.

**B. National and State acreage allotments.**—National and State acreage allotments of soil-depleting crops will be determined by the Secretary.

**SECTION II. COUNTY ACREAGE ALLOTMENTS AND GOALS**

**A. County acreage allotments of soil-depleting crops.**—The Agricultural Adjustment Administration, with the assistance of State committees, shall establish county acreage allotments for total soil-depleting crops, and for wheat and potatoes, as hereinafter set forth. The soil-depleting acreage allotments for all counties in the State shall not exceed the applicable acreage allotment established for the State by the Secretary except as otherwise provided in this bulletin.

**1. Total soil-depleting acreage allotments.**—County acreage allotments of total soil-depleting crops shall be established by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the average acreage of soil-depleting crops grown in such counties in whichever of the periods of five or more consecutive years since 1927 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops, farms for which the general crop acreage allotment will be as large as the usual acreage of general soil-depleting crops, and the relationship of the usual acreage of individual soil-depleting crops to the 1938 acreage allotments in counties where allotments for individual soil-depleting crops are established.

**2. Wheat acreage allotments.**—County acreage allotments of wheat shall be established by distributing the State acreage allotment of wheat among the counties in the State pro rata on the basis of the acreage of wheat seeded for the production of wheat during the ten years, 1928 to 1937, inclusive, plus in applicable years the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in a county in any year of such ten-year period was less than 50 percent or more than 150 percent of the average computed for the other nine years, such year shall be eliminated in calculating the average acreage seeded for the production of wheat in such county. The average acreage seeded in any county for the production of wheat so determined shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreages diverted from the production of wheat during the years 1935, 1936, and 1937, and to the acreages so seeded and diverted during the ten-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

**3. Potato acreage allotments.**—County acreage allotments of potatoes shall be established by distributing the State acreage allotment of potatoes among the counties pro rata on the basis of the average acreage devoted to potatoes in the counties during the years 1933 to 1937, inclusive, taking into consideration trends in acreage on commercial potato-producing farms as reflected by the acreage planted to potatoes in 1937, as compared with the average acreage planted during such five-year period and also taking into consideration the acreage of potatoes on non-commercial potato-producing farms.

**B. County soil-building goals.**—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent erosion.

### SECTION III. FARM ACREAGE ALLOTMENTS AND GOALS

The county committee, with the assistance of other local committees in the county, shall determine acreage allotments and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for the farms in a county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration, and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.

#### A. Soil-depleting acreage allotments.—

**1. Total soil-depleting acreage allotment.**—The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm, taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable to the allotments determined for other farms in the same community which are similar with respect to such factors.

**2. Wheat allotment.**—Acreage allotments of wheat shall be determined for farms on which wheat was seeded for harvest in one or more of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat was not seeded for harvest in any one of the three years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The wheat acreage allotment for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors. No allotment shall be established for any farm for which the normal production of wheat for market is less than 100 bushels.

**3. Potato allotment.**—A potato acreage allotment shall be determined for each farm normally producing potatoes excluding farms on which the acreage normally planted to potatoes for market is determined to be less than three acres. No potato acreage allotment shall be less than three acres. Potato acreage allotments shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

**B. Soil-building goals.**—The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under Section IV, subsection B, with respect to the acreage of cropland with respect to which a payment of 70 cents per acre is computed, and the commercial vegetable acreage, commercial orchards, and noncrop pasture land. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent erosion and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**C. Posting of acreage allotments.**—All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

#### SECTION IV. PAYMENT FOR FULL PERFORMANCE

Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building goals in an amount which shall be the sum of the following:

**A. Soil-depleting acreage allotments.**—

1. **Wheat.**—12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment and the county committee finds that the failure to plant 80 percent of such wheat acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to wheat. The acreage planted to wheat shall be deemed to be that acreage which is seeded to wheat classified as soil depleting under subsection B of Section XIII.

2. **Potatoes.**—5.4 cents per bushel of the normal yield per acre of potatoes for the farm for each acre of potatoes planted on the farm in 1938 not in excess of the potato acreage allotment. The acreage planted to potatoes shall be deemed to be that acreage which is seeded to potatoes.

**B. Payments in connection with soil-building practices.**—

1. 70 cents per acre of cropland in excess of the sum of the acreages used in computing payments with respect to wheat and potato acreage allotments established for the farm.

2. \$1.50 per acre of the average acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

3. \$2.00 per acre of commercial orchards on the farm January 1, 1938.

4. 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

## SECTION V. PAYMENTS FOR PARTIAL PERFORMANCE

Payments computed for any farm under the provisions of Section IV shall be subject to all the following deductions which are applicable to the farm.

**A. Deductions for excess acreages of soil-depleting crops.—**

**1. Potatoes.**—54 cents per bushel of the normal yield for the farm for each acre of potatoes in excess of the potato acreage allotment, or on farms for which potato acreage allotments are not established on each acre by which the acreage of potatoes for market exceeds three acres.

**2. Total soil-depleting acreage allotments.**—The following applicable rate for each acre of land classified as soil depleting in excess of the total soil-depleting acreage allotment, less the acreage for which deduction is made under item 1 of this subsection A:

- (a) 60 cents per bushel of the normal yield per acre of wheat for the farm if a payment is computed for the farm under Section IV with respect to a wheat acreage allotment.
- (b) \$4.00 per acre if a payment is computed for the farm under Section IV with respect to a potato acreage allotment but no payment is computed for the farm under Section IV with respect to a wheat acreage allotment.

**B. Deductions for failure to carry out soil-building practices.**—\$1.50 for each unit by which the soil-building goal is not reached.

## SECTION VI. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and deductions in connection with acreage allotments.**—The net payment or net deduction computed for any farm with respect to the wheat or potato acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the wheat or potatoes, respectively, grown on the farm in 1938.

In computing such net payments and such net deductions with respect to acreage allotments, the deductions computed under Section V with respect to soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 2, subsection A) shall be regarded (a) as deductions with respect to the wheat acreage allotment on farms for which payment is computed under Section IV in connection with a wheat acreage allotment; (b) as deductions with respect to the payments computed under Section IV in connection with the potato acreage allotment on farms for which no payment is computed in connection with a wheat acreage allotment; or (c) as deductions with respect to the soil-building goal on farms for which no payment is computed under Section IV in connection with crop acreage allotments, provided that any net amount of such deductions computed for such farms shall be divided equally among the landlords and tenants on the farm.

In the event that wheat or potatoes are not harvested in 1938 on the farm, or in the event the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deductions, if any, with respect to the acreage allotment for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) had such crop(s) been harvested on the farm in 1938 or the acreage of such crop(s) had not been so reduced.

**B. Payments with respect to soil-building practices.**—The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which the county committee determines each such person contributed thereto.

**C. Proration of net deductions.**—If with respect to any farm the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

#### SECTION VII. INCREASE IN SMALL PAYMENTS

The total payment computed under Sections IV to VI, inclusive, for any person with respect to any farm shall be increased as follows:

1. Any payment amounting to 71 cents or less shall be increased to \$1.00;
2. Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
3. Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to 1.99-----	\$0. 40	\$32.00 to 32.99-----	\$10. 40
\$2.00 to 2.99-----	0. 80	\$33.00 to 33.99-----	10. 60
\$3.00 to 3.99-----	1. 20	\$34.00 to 34.99-----	10. 80
\$4.00 to 4.99-----	1. 60	\$35.00 to 35.99-----	11. 00
\$5.00 to 5.99-----	2. 00	\$36.00 to 36.99-----	11. 20
\$6.00 to 6.99-----	2. 40	\$37.00 to 37.99-----	11. 40
\$7.00 to 7.99-----	2. 80	\$38.00 to 38.99-----	11. 60
\$8.00 to 8.99-----	3. 20	\$39.00 to 39.99-----	11. 80
\$9.00 to 9.99-----	3. 60	\$40.00 to 40.99-----	12. 00
\$10.00 to 10.99-----	4. 00	\$41.00 to 41.99-----	12. 10
\$11.00 to 11.99-----	4. 40	\$42.00 to 42.99-----	12. 20
\$12.00 to 12.99-----	4. 80	\$43.00 to 43.99-----	12. 30
\$13.00 to 13.99-----	5. 20	\$44.00 to 44.99-----	12. 40
\$14.00 to 14.99-----	5. 60	\$45.00 to 45.99-----	12. 50
\$15.00 to 15.99-----	6. 00	\$46.00 to 46.99-----	12. 60
\$16.00 to 16.99-----	6. 40	\$47.00 to 47.99-----	12. 70
\$17.00 to 17.99-----	6. 80	\$48.00 to 48.99-----	12. 80
\$18.00 to 18.99-----	7. 20	\$49.00 to 49.99-----	12. 90
\$19.00 to 19.99-----	7. 60	\$50.00 to 50.99-----	13. 00
\$20.00 to 20.99-----	8. 00	\$51.00 to 51.99-----	13. 10
\$21.00 to 21.99-----	8. 20	\$52.00 to 52.99-----	13. 20
\$22.00 to 22.99-----	8. 40	\$53.00 to 53.99-----	13. 30
\$23.00 to 23.99-----	8. 60	\$54.00 to 54.99-----	13. 40
\$24.00 to 24.99-----	8. 80	\$55.00 to 55.99-----	13. 50
\$25.00 to 25.99-----	9. 00	\$56.00 to 56.99-----	13. 60
\$26.00 to 26.99-----	9. 20	\$57.00 to 57.99-----	13. 70
\$27.00 to 27.99-----	9. 40	\$58.00 to 58.99-----	13. 80
\$28.00 to 28.99-----	9. 60	\$59.00 to 59.99-----	13. 90
\$29.00 to 29.99-----	9. 80	\$60.00 to 185.99-----	14. 00
\$30.00 to 30.99-----	10. 00	\$186.00 to 199.99-----	(1)
\$31.00 to 31.99-----	10. 20	\$200.00 and over-----	(2)

<sup>1</sup> Increase to 200.<sup>2</sup> No increase.

### SECTION VIII. DEDUCTIONS INCURRED ON OTHER FARMS

**A. Other farms in the same county.**—If the deductions computed under Section V with respect to any farm in a county exceed the payment for full performance on such farm computed under Section IV, a landlord's or tenant's share of the amount by which such deductions exceed such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in such county.

**B. Other farms in the State.**—If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.

### SECTION IX. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the

estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

#### **SECTION X. MATERIALS FURNISHED AS GRANTS OF AID**

Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm the amount of such difference shall be repaid by him to the Secretary.

Pursuant to the provisions of this Section X, triple superphosphate containing not less than 45 percent of available  $P_2O_5$  will be made available at Sheffield, Ala.; Wales, Tenn.; Baltimore, Md.; and such other points as may be specified by the Regional Director. The deduction for such material shall be at the rate of \$1.60 for each 100 pounds of such material.

#### **SECTION XI. GENERAL PROVISIONS RELATING TO PAYMENTS**

**A. Payment restricted to effectuation of purposes of the program.**—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld—

1. If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous agricultural conservation programs,

2. If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or

3. If, with respect to forest land or woodland owned or controlled by him, he wilfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning) or, if he clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10" for coniferous species, and approximately 14" for hardwood species except (a) where clear-cutting of undesirable species is followed by

planting of forest trees of desirable species, (b) where the clearing is for needed cropland, or (c) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

If on any farm for which no wheat or potato acreage allotment is established, the acreage of soil-depleting crops in 1938 is in excess of 50 acres and in excess of the total soil-depleting acreage allotment, the deduction provided in paragraph 2 (b) of subsection A of Section V shall be applicable to such farm if the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm. No payment shall be computed with respect to any farm which is idle in 1938.

**B. Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection D of this Section XI) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

**D. Assignments.**—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned

or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration, and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement showing that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any preexisting indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing contained in this Section XI shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

**E. Excess cotton acreage.**—As required by law, and as provided in the 1938 Agricultural Conservation Program Bulletin issued by the Secretary, payment cannot be made to any person if he has a farm in any cotton-producing area on which he has knowingly planted or caused to be planted during 1938 cotton in excess of the cotton acreage allotment established for such farm in connection with cotton-marketing quotas.

**F. Use of soil-conserving crops for market.**—No payment will be made with respect to any farm unless in 1938 an acreage, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market equal to the acreage by which the normal acreage of soil-depleting crops exceeds the larger of (1) the total soil-depleting acreage allotment or (2) the acreage devoted to soil-depleting crops: *Provided*, That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed ten percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market shall be determined for any farm in accordance with instruc-

tions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than ten percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under Section XIII hereof.

## SECTION XII. APPLICATION FOR PAYMENT

**A. Persons eligible to file applications.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section VI a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Applications for other farms.**—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

### SECTION XIII. SOIL DEPLETING CROPS

Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting. Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

**A. Land planted to the following crops for harvest in 1938:**

1. Corn (including field corn, silage corn, sweet corn, and popcorn, but excluding sown corn used as a green manure crop).
2. Tobacco.
3. Mangels and cowbeets.
4. Truck and vegetable crops (including strawberries, melons, and sweet-potatoes) and their seeds.
5. Potatoes.
6. Bulbs and flowers.
7. Canning peas.

**B. Land planted to wheat, oats, barley, rye, flax, or mixtures of these crops between August 1, 1937, and July 31, 1938, except:**

1. When a good stand and good growth of such crop is used as a green manure crop; or
2. When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

**C. Land planted in 1938 to buckwheat, sweet sorghums, Sudan grass, or millet harvested for hay, grain, seed, sirup, or silage.**

**D. Land planted in 1938 to soybeans harvested for seed for crushing.**

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none of such crops reaches maturity or if more than one of such crops reach maturity and an individual crop acreage allotment is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established. If none of such crops reaches maturity and individual crop acreage allotments are established for two of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop acreage allotment is established. If two of such crops reach maturity and individual crop acreage allotments are established for two of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop acreage allotment is established. If two or more of such crops reach maturity or if none of such crops reaches maturity and individual crop acreage allotments are not established for any of such crops, the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined, in accordance with instructions issued by the Agricultural Adjustment Administration, to be devoted to each.

In connection with determinations regarding the maturity of crops, canning peas will be deemed to have reached maturity when such

crops are harvested for canning. Field corn, sweet corn, and popcorn hogged off or cut for silage, fodder, or other similar uses will be deemed to have reached maturity.

#### SECTION XIV. SOIL-BUILDING PRACTICES

The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

If trees are purchased from a Clark-McNary Cooperative State Nursery, such purchases shall not be deemed to be paid for in whole or in part by a State or Federal agency.

#### SCHEDULE OF SOIL-BUILDING PRACTICES

**A. Each of the following practices in the amounts specified shall be counted as one unit,** provided that, when the materials specified in items 1, 2, or 3 are applied to biennial or perennial legumes, perennial grasses, winter legumes, or lespedeza, seeded or grown in connection with a soil-depleting crop, only one-half of the material applied shall be counted.

1. Application of 300 pounds of 16-percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.

For the purposes of this item 100 pounds of triple superphosphate containing not less than 45 percent of available  $P_2O_5$  shall be considered to be equivalent to 300 pounds of 16 percent superphosphate.

2. Application of 200 pounds of 50-percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.

3. Application of 500 pounds of basic slag, rock phosphate, or colloidal phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.

4. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

5. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed.

6. Application of the following quantities of ground limestone or its equivalent when applied at a rate not less than 1,000 pounds per acre:

1,500 pounds in the counties of Allegany, Garrett, and Washington;  
 1,000 pounds in the counties of Baltimore, Carroll, Frederick, Harford,  
 Howard, and Montgomery; and  
 800 pounds in the counties of Anne Arundel, Calvert, Caroline, Cecil,  
 Charles, Dorchester, Kent, Prince Georges, Queen Annes, Somerset, St.  
 Marys, Talbot, Wicomico, and Worcester.

For purposes of this item 100 pounds of ground oyster shell, 150 pounds of limestone screenings, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

7. Application of 1,000 pounds of finely ground limestone (at least 90 percent to pass through a 30-mesh sieve and all finer particles obtained in the grinding process to be included), except to commercial vegetables, such limestone to be applied at the rate of not less than 500 pounds nor more than 1,000 pounds per acre.

**B. Each acre of the following shall be counted as one unit:**

1. Seeding alfalfa, sericea, approved red clover, alsike clover, sweet clover, white clover, bur clover, bluegrass, orchard grass, vetch, Austrian winter peas, crimson clover, annual lespedeza, annual ryegrass, or mixtures of such legumes and perennial grasses other than a mixture consisting solely of timothy and redtop.

2. Green manure crops: Soybeans, velvet beans, cowpeas, crimson clover, Austrian winter peas, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, sown corn, or mixtures of any two or more of such crops, of which a good stand and good growth is plowed or disced under as green manure. A good stand and good growth of soybeans, velvet beans, cowpeas, sweet clover in orchards, or rye, left on the land as a temporary mulch. Summer legumes interplanted or grown in combination with soil-depleting crops, green manure crops counted under item 2 of subsection C below, and 1938 seedings of sweet clover in orchards will not be counted under this item 2.

**C. Each acre of the following shall be counted as two units:**

1. With prior approval of the county committee improving a stand of forest trees under such approved system of farm woodlot management as is specified by the Agricultural Adjustment Administration.

2. On any farm where the average acreage of land on which commercial vegetables were grown in 1936 and 1937 exceeds 50 percent of the acreage of cropland in the farm in excess of the sum of the potato, tobacco, cotton, and peanut acreage allotments established for the farm, green-manure crops, including soybeans, velvet beans, cowpeas, crimson clover, Austrian winter peas, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, sown corn, or mixtures of any two or more of such crops, of which a good stand and good growth is plowed or disced under as green manure.

**D. Each acre of the following shall be counted as five units:**

1. Planting forest trees, provided such trees are protected, and cultivated in accordance with good tree-culture practice.

E. Each two acres of the following shall be counted as one unit:

1. Summer legumes (interplanted or grown in combination with soil-depleting crops) of which a good stand and a good growth is plowed or disced under or left on the land.

2. Seeding timothy or redtop or a mixture consisting solely of timothy and redtop.

#### SECTION XV. NORMAL YIELDS

**A. Normal yields of special soil-depleting crops.**—The county committee with the assistance of other local committees in the county shall determine for each farm for which a wheat or potato acreage allotment is to be established a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration.

##### 1. Wheat.—

(a) Where reliable records of the actual average yield per acre of wheat for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such 10-year period reliable records of the actual average yield are not available or there was no actual yield because the commodity was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 10-year period. Where the productivity index most recently established for the farm in connection with the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

(c) The yields determined under paragraph (b) of this subdivision 2 shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotments established for such farms) shall conform to the county average yield established by the Secretary.

#### SECTION XVI. APPEALS

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county com-

mittee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

#### **SECTION XVII. STATE AND REGIONAL BULLETINS, INSTRUCTIONS, AND FORMS**

The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program.

#### **SECTION XVIII. DEFINITIONS**

For the purposes of the 1938 Agricultural Conservation Program:  
**SECRETARY** means the Secretary of Agriculture of the United States.

**REGIONAL DIRECTOR** means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

**EAST CENTRAL REGION** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**STATE COMMITTEE** means the group of persons designated within the State of Maryland to assist in the administration of the 1938 Agricultural Conservation Program in the State.

**COUNTY COMMITTEE** means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

**PERSON** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**FARM** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops:

*Provided*, That land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**CROPLAND** means farm land which is tilled annually or in a regular rotation, excluding commercial orchards, but including any other land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to non-commercial orchards other than abandoned orchards.

**COMMERCIAL ORCHARDS** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

**COMMERCIAL VEGETABLES** means the acreage of vegetables or truck crops (including potatoes on farms where a potato acreage allotment is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

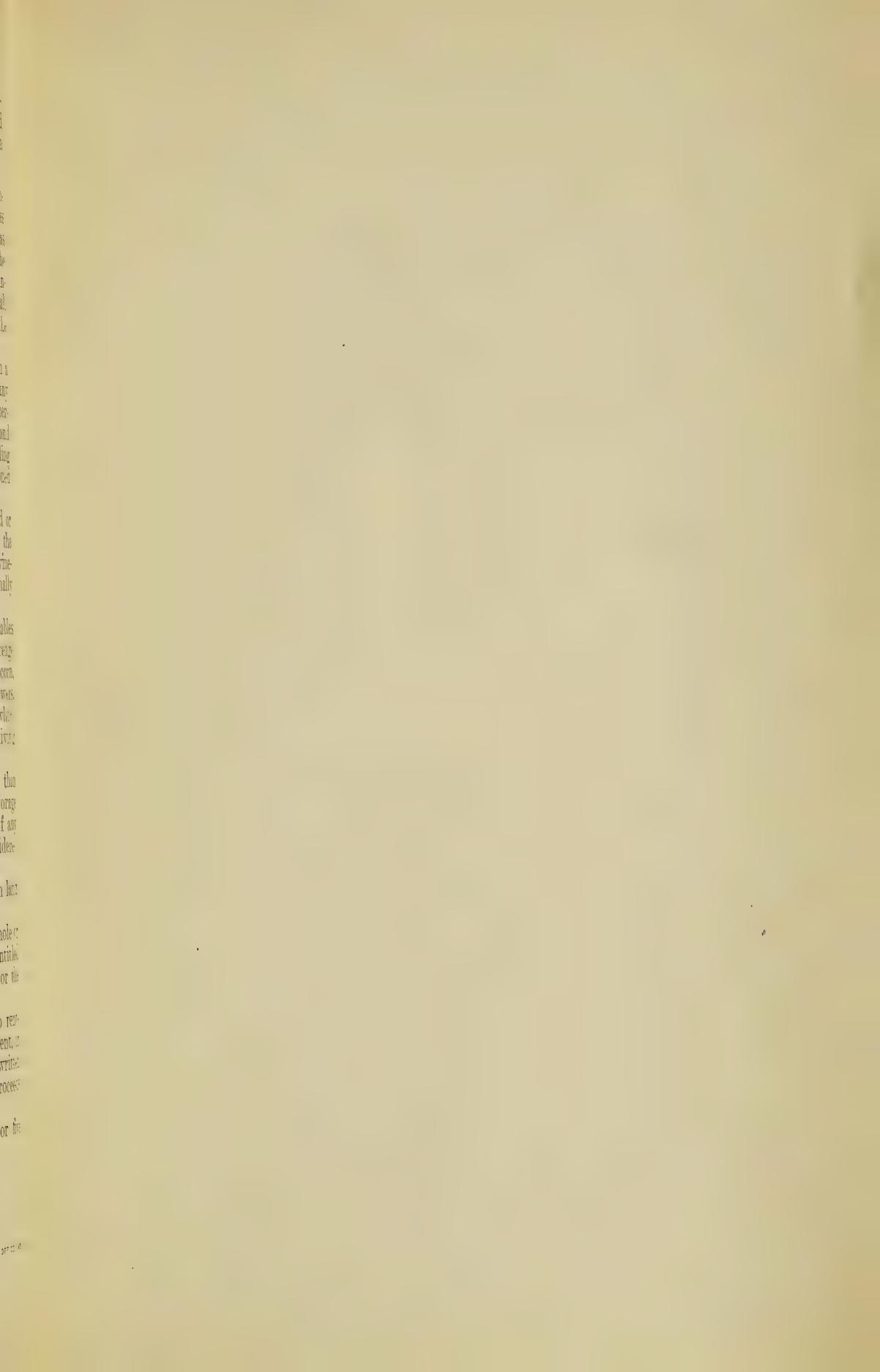
**NONCROP OPEN PASTURE** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

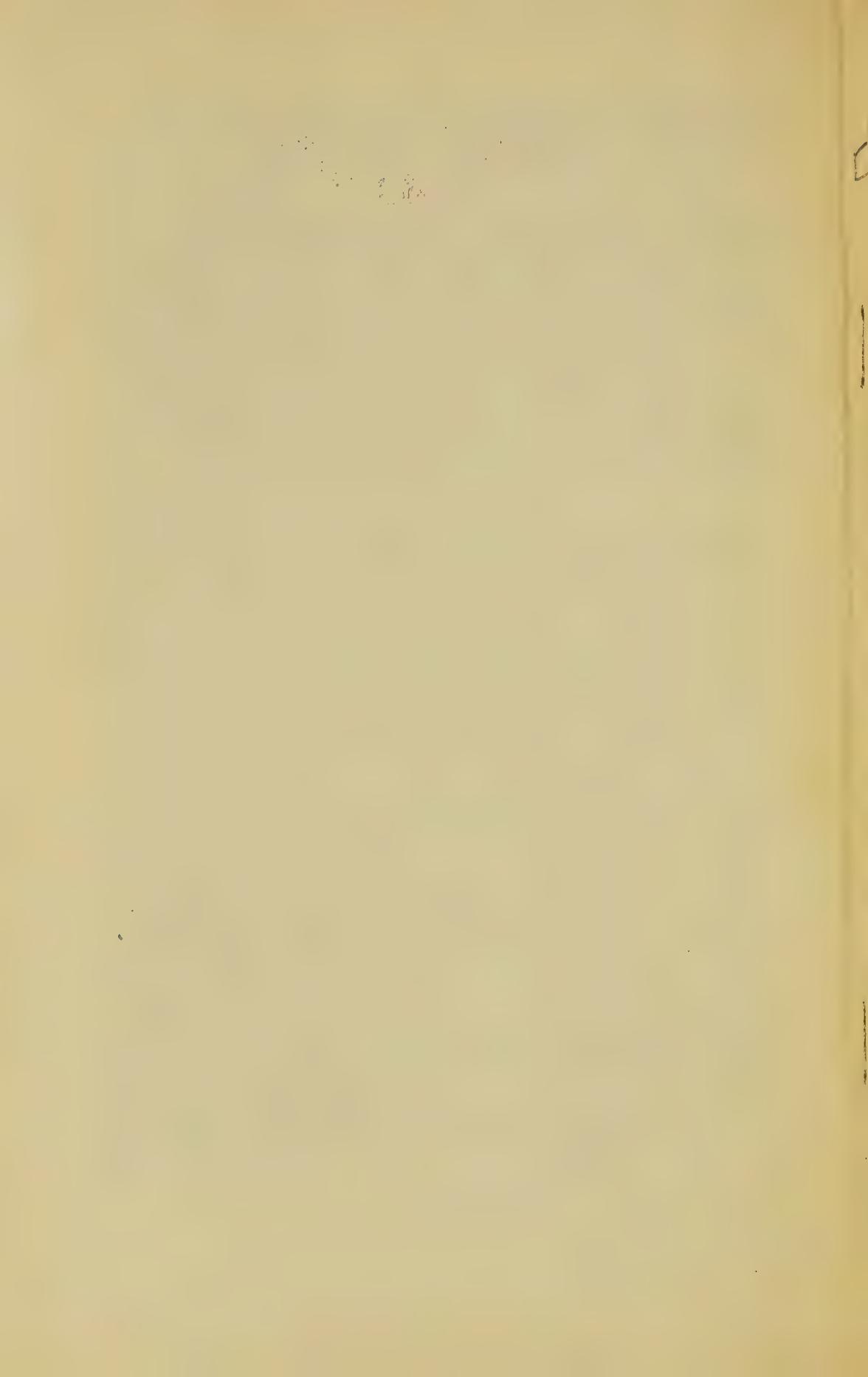
**LANDLORD** means a person who owns land and rents such land to another person or operates such land.

**SHARECROPPER** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**TENANT** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**ANIMAL UNIT** means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.





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1938 AGRICULTURAL CONSERVATION PROGRAM--NORTH CAROLINA

FEB 17 1938 ☆

Department of Agriculture

A tentative compilation of the provisions of the  
1938 Agricultural Conservation Program applicable in North Carolina.

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1938 AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7(a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will

necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in payments made because of the extent of participation in the program is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are applicable in the State of North Carolina, excluding counties for which special programs under said Act are approved for 1938 by the Secretary; and public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Section 1. National, State, and County Goals. - (a) The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

(1) The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops, and the carrying out of such soil-building practices as will preserve and improve the soil fertility and prevent erosion.

(2) The following acreages of soil-depleting crops:

Cotton	27,000,000 to 29,000,000 acres
Corn	92,000,000 to 96,000,000 acres
Tobacco	

Flue-cured	850,000 to 900,000 acres
Burley	480,000 to 500,000 acres
Fire-cured and dark air-cured	170,000 to 180,000 acres
Cigar filler and binder	85,000 to 90,000 acres
Georgia-Florida Type 62	2,800 to 3,000 acres

Potatoes	3,100,000 to 3,300,000 acres
Peanuts	1,500,000 to 1,600,000 acres
Rice	825,000 to 875,000 acres
Other soil-depleting crops	145,000,000 to 155,000,000 acres
Total soil-depleting crops	273,000,000 to 288,000,000 acres

(b) State goals for total soil-depleting crops and for individual soil-depleting crops where applicable shall be established by the Agricultural Adjustment Administration on the basis of the average acreage of the various soil-depleting crops grown in each State in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program, taking into consideration trends in acreage, the acreage of food and feed crops required for home consumption, and farms for which goals may be established as large as the usual acreage of crops grown thereon. The total of the State goals for any crop or group of crops shall not be less than the minimum acreage nor more than the maximum acreage specified as the national goal for such crop or group of crops in subsection (a).

(c) The Agricultural Adjustment Administration with the assistance of State committees shall establish county goals for total soil-depleting crops and where applicable for individual soil-depleting crops. County goals for cotton and tobacco shall be established for each county where such crops are grown commercially. County goals for potatoes shall be established in the counties of Ashe, Avery, Beaufort, Buncombe, Camden, Carteret, Columbus, Craven, Currituck, Duplin, Edgecombe, Haywood, Henderson, Jackson, Martin, Mitchell, Pamlico, Pasquotank, Pitt, Sampson, Transylvania, Tyrrell, Washington, Watauga, Wayne and Yancey, and county goals for peanuts shall be established in the counties of Beaufort, Bertie, Bladen, Brunswick, Chowan, Columbus, Edgecombe, Gates, Halifax, Hertford, Martin, Nash, New Hanover, Northampton, Onslow, Pasquotank, Pender, Perquimans, Pitt, Robeson, Tyrrell, Warren, Washington, and Wilson. In establishing county goals the State goal shall be equitably distributed among the counties on the basis of the average acreage grown in such counties in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program adjusted where necessary for farms for which provision was not made in 1937, taking into consideration trends in acreage, farms for which goals may be established as large as the usual acreage of crops grown thereon, and recommendations of district and county agricultural planning committees with respect to the acreages of various crops and groups of crops which should be grown in each county in order to promote soil conservation.

The Agricultural Adjustment Administration with the assistance of the State committee may establish county goals for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and prevent erosion.

Sec. 2. Goals for Individual Farms. - (a) The county committee in accordance with applicable instructions shall establish for each farm a total soil-depleting crop goal and where applicable goals for cotton, tobacco, peanuts, and potatoes. The soil-depleting goal for any farm shall represent the farm's equitable share of the county goal, taking into consideration good soil management, the tillable acreage on the farm, the type of soil, topography, production facilities, the crop rotation system, the acreage of such crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm. 1/

If the acreage of cotton planted on any farm in 1938 is less than 80 percent of the cotton goal established for that farm, the cotton goal for 1938 shall be reduced to 125 percent of the planted acreage of cotton, unless, in the case of cotton, the county committee finds that the failure to plant 80 percent of the acreage in the cotton goal was due to flood or drought.

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1/ A potato goal will not be established for any farm for which the acreage of land normally planted to potatoes is determined to be less than three acres. The cotton goal for any farm shall not exceed 50 percent of the cropland in the farm.

The soil-depleting goals for all farms in the county shall not exceed such goals as shall be established for the county by the Agricultural Adjustment Administration, and the sum of the goals for farms furnishing required forms and information shall not exceed their proportionate share of the county goals.

(b) The county committee shall establish for each farm a soil-conserving acreage which shall be the acreage of cropland in the farm (excluding commercial orchards and normally idle cropland) in excess of the total soil-depleting goal for the farm.

(c) The county committee shall establish for each farm a soil-building goal which shall represent the number of acres or acre equivalents of applicable practices listed in Sec. 6 to be carried out on the farm as a condition of payment. The soil-building goal for a farm, except as otherwise noted 2/, shall be the sum of the following:

(1) (i) One and one-half times the soil-conserving acreage or

(ii) On farms for which cotton, flue-cured tobacco, or peanut goals are established, an acreage equal to not more than the sum of the cotton, tobacco, peanut and potato goals and not less than one-half of the sum of such goals may be used if requested by the operator. If this alternative is used, the general soil-depleting goal will not be used in computing the payment for the farm.

(2) The number of acres by which the general soil-depleting goal exceeds the total of the cotton, tobacco, peanut, and potato goals, if the general soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of general soil-depleting crops grown on the farm and such goal is used in computing the payment for the farm.

(3) The average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(4) The acreage of commercial orchards on the farm January 1, 1938.

(5) A number of acres equal to one-half the number of dollars computed for the farm (under item 9 of Sec. 3) with respect to noncrop open pasture land.

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2/ For any farm for which the total soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of soil-depleting crops for the farm, the soil-building goal shall be the sum of (1) a number of acres equal to one-half the number of dollars computed for the farm under Sec. 3, and (2) the soil-conserving acreage for the farm.

The county committee shall, insofar as practicable, establish soil-building goals for individual farms in terms of acreages or acreage equivalents of one or more specified soil-building practices which it determines are not routine farming practices on the farm but are needed on the farm in order to preserve and improve soil fertility and prevent erosion and will tend to accomplish the goals established for the county with respect to particular soil-building practices.

Sec. 3. Payment for Full Performance. - Payment will be made with respect to any farm for not exceeding the soil-depleting goal and for achieving the soil-building goal in an amount which shall be the sum of the following:

(1) \$1.50 per acre, adjusted for productivity, for each acre in the general soil-depleting goal: Provided, however, That if such goal is determined to be as large as the usual acreage of general soil-depleting crops grown on the farm, the rate shall be \$1.50 per acre, not adjusted for productivity, on the number of acres in the general soil-depleting goal in excess of the sum of the cotton, tobacco, peanut, rice, and potato goals for the farm. The general soil-depleting goal will not be used in computing the payment with respect to farms for which all or part of the sum of the cotton, tobacco, peanut, and potato goals is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal.

(2) 2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton goal.

(3) The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco goal for each of the following types of tobacco:

(a) Burley	0.5 cents
(b) Flue-cured	1.0 cents

(4) 0.2 of a cent per pound of the normal yield per acre of peanuts for the farm for each acre in the peanut goal.

(5) 6 cents per bushel of the normal yield per acre of potatoes for the farm for each acre of potatoes planted on the farm in 1938, not in excess of the potato goal.

(6) 70 cents per acre on (a) the soil-conserving acreage, or (b) all or such portion of the sum of the cotton, tobacco, peanut, and potato goals as is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal for the farm.

(7) \$2.00 per acre of the average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(8) \$2.00 per acre of commercial orchards on the farm January 1, 1938.

(9) 25 cents per acre of fenced noncrop open pasture land, in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

Sec. 4. Payment for Partial Performance. - The payment computed for any farm, under the provisions of section 3, shall be subject to all of the following deductions which are applicable to the farm.

(1) 10 cents per pound of the normal yield for the farm for each acre of flue-cured tobacco in excess of the flue-cured tobacco goal.

(2) 5 cents per pound of the normal yield for the farm for each acre of Burley tobacco in excess of the Burley tobacco goal.

(3) 2 cents per pound of the normal yield for the farm for each acre of peanuts in excess of the peanut goal.

(4) 60 cents per bushel of the normal yield for the farm for each acre of potatoes in excess of the potato goal, or, on farms for which potato goals are not established in the counties of Ashe, Avery, Beaufort, Buncombe, Camden, Carteret, Columbus, Craven, Currituck, Duplin, Edgecombe, Haywood, Henderson, Jackson, Martin, Mitchell, Pamlico, Pasquotank, Pitt, Sampson, Transylvania, Tyrrell, Washington, Watauga, Wayne, and Yancey for each acre by which the acreage of potatoes exceeds 3 acres.

(5) \$12.00 adjusted for the productivity of the farm for each acre of soil-depleting crops in excess of the total soil-depleting crop goal for the farm less any acreage on which deductions are made pursuant to items (1), (2), (3), (4), and (5) of this Sec. 4.

(6) 3.6 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton goal but not in excess of 115 percent of the cotton goal and 10 cents per pound of the normal yield for the farm for each acre of cotton in excess of 115 percent of the cotton goal for the farm.

(7) \$2.00 for each acre or acre equivalent by which the soil-building goal is not reached.

(8) In Ashe, Avery, Beaufort, Buncombe, Camden, Carteret, Columbus, Craven, Currituck, Duplin, Edgecombe, Haywood, Henderson, Jackson, Martin, Mitchell, Pamlico, Pasquotank, Pitt, Sampson, Transylvania, Tyrrell, Washington, Watauga, Wayne, and Yancey counties a deduction shall be made from the payment with respect to any farm having a potato goal, for each acre on which commercial vegetables are grown in 1938 in excess of the average acreage on which commercial vegetables were grown on the farm in 1936 and 1937 (adjusted, where necessary, for the effect of abnormal weather conditions on plantings in such years), such deduction to be at the deduction rate applicable to the farm under this Sec. 4 with respect to potatoes.

Sec. 5. Soil-Depleting Crops. - Land devoted in 1938 to any of the following crops or uses, or such other similar crops and uses as are designated by the Agricultural Adjustment Administration, shall be classified as soil-depleting: 3/

3/ Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

(a) Land planted to the following crops for harvest in 1938:

- (1) Corn (including field corn, sweet corn, silage and popcorn, but excluding sown corn used as a cover crop or green manure crop).
- (2) Cotton.
- (3) Tobacco.
- (4) Peanuts harvested for nuts.
- (5) Broomcorn.
- (6) Mangels.
- (7) Cultivated sunflowers.
- (8) Truck and vegetable crops (including strawberries, melons, and sweetpotatoes) and their seeds.
- (9) Potatoes.
- (10) Bulbs and flowers.
- (11) Field beans.
- (12) Canning peas.

(b) Land planted to wheat between August 1, 1937 and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop.

(2) When such crop is used as a cover crop or as a nurse crop, and is not harvested for grain or hay.

(c) Land planted to oats, barley, rye, buckwheat, flax, rape, or mixtures of these crops between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

(d) Land planted in 1938 to sweet sorghum, Sudan grass, millet, or sown corn, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or for pasture and is not harvested for grain, seed, syrup, hay or silage.

(e) Land planted in 1938 to soybeans harvested for seed for crushing.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none or more than one of such crops reach maturity and an individual crop goal is established for only one of such crops, such land shall

regarded as devoted to the crop for which an individual crop goal is established. If none of such crops reaches maturity and individual crop goals are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop goal is established. If two or more of such crops reach maturity and individual crop goals are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop goal is established.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be occupied by each.

Sec. 6. Soil-Building Practices. - The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted towards meeting the soil-building goal. If a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by a Federal or State agency other than the Agricultural Adjustment Administration, a proportion of the total acreage of the practice not exceeding the proportion of the total cost not furnished by the Federal or State agency may be counted towards meeting the soil-building goal.

#### Schedule of Soil-Building Practices

A. Each acre of the following shall be counted as one acre:

1. Maintaining until after July 1, 1938, a good stand of perennial grasses or perennial or biennial legumes, or mixtures of such grasses and legumes, seeded or established prior to 1938 on cropland on which no soil-depleting crop is planted between August 1, 1937, and July 31, 1938.
2. Seeding biennial legumes (other than those qualifying under practice B-1 below), orchard grass, or mixtures of timothy or redtop and legumes.
3. Seeding winter legumes or growing annual lespedeza.
4. Green manure crops (excluding lespedeza and crops counted under items 6 or 7 of this section 6) of which a good stand and good growth is plowed or disced under as green manure <sup>4/</sup>.

<sup>4/</sup> A good stand and good growth of rye in any case and other crops in orchards or on commercial vegetable or potato land may be left on the land as a temporary mulch.

5. Summer legumes grown alone and not classified as soil-depleting.
6. Growing Sudan grass, millet, or annual ryegrass, provided a good growth is attained, and the crop is not harvested for grain, seed, or hay, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.
7. Growing sweet sorghums or sown corn, provided a good growth is attained, the crop is not pastured or harvested for grain, seed or forage, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.

B. Each acre of the following shall be counted as one and one-half acres:

1. Seeding approved <sup>5/</sup> domestic or Canadian red clover except in mixtures.

C. Each acre of the following shall be counted as two acres:

1. Seeding perennial legumes; perennial grasses other than timothy, redtop, and orchard grass; or mixtures of legumes and perennial grasses other than timothy and redtop.
2. Improving a stand of forest trees under such approved system of farm woodland management as is specified by the regional director.

D. Each acre of the following shall be counted as five acres:

1. Planting forest trees (including shrubs in protective plantings).

E. Each acre of the following shall be counted as one-half acre:

1. Summer legumes not classified as soil-depleting, if interplanted or grown in combination with soil-depleting crops.
2. Seeding timothy or redtop.

F. Each of the following practices in the amounts specified shall be

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<sup>5/</sup> Seed to be approved by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration. In areas where practice B-1 is used similar approval with respect to alfalfa seed under practice C-1 shall also be required.

counted as one acre 6/.

1. Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.
2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.
3. Application of 500 pounds of basic slag or rock (including colloidal) phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.
4. Construction of 200 linear foot of standard terrace for which proper outlets are provided.
5. Reseeding depleted pastures with good seed of adapted pasture grasses or grasses and legumes - 10 pounds of seed.
6. Contour ridging of noncrop open pasture land - 750 linear feet of ridge or terrace.
7. Application of the following quantities of ground limestone (or its equivalent 7/) when applied at a rate not less than 1000 pounds per acre:

2000 pounds in the counties of Alamance, Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Montgomery, Orange, Person, Polk, Randolph, Rockingham, Rowan,

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- 6/ When the materials specified in items 1, 2, or 3 are applied to perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or crotalaria, in connection with a soil-depleting crop, only one-half of the material applied shall be counted.
- 7/ For purposes of this item 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

Rutherford, Stanly, Stokes, Surry, Swain, Transylvania,  
Union, Watauga, Wilkes, Yadkin and Yancey.

1500 pounds in the counties of Anson, Beaufort, Bertie,  
Bladen, Brunswick, Camden, Carteret, Chowan, Columbus,  
Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edge-  
combe, Franklin, Gates, Granville, Greene, Halifax, Harnett,  
Hertford, Hyde, Johnston, Jones, Lee, Lenoir, Martin,  
Moore, Nash, New Hanover, Northampton, Onslow, Pamlico,  
Pasquotank, Pender, Perquimans, Pitt, Richmond, Robeson,  
Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington,  
Wayne and Wilson.

8. Application of 1,000 pounds of finely ground limestone  
(at least 90 percent to pass through a 30-mesh sieve and  
all finer particles obtained in the grinding process to  
be included), except to peanuts and commercial vegetables,  
such limestone to be applied at the rate of not less than  
500 pounds nor more than 1,000 pounds per acre.

Sec. 7. Materials Furnished as Grants of Aid. - Wherever it is found  
practicable limestone, superphosphate, trees, seeds, and other materials may upon  
request of the producer be furnished by the Agricultural Adjustment Administration  
as grants of aid to be used in carrying out approved soil-building practices which  
shall be counted toward meeting the soil-building goal for the farm. Wherever  
such materials are furnished, a deduction from the payment for the farm shall be  
made in the amount of the approximate cost of such material to the Agricultural  
Adjustment Administration.

Sec. 8. Division of Payment. - The share of each interested person in the  
payment shall be computed on the basis of the acreage shares of each such person  
in the soil-depleting crops grown, or the proceeds thereof, and the soil-building  
practices carried out on the farm in 1938.

In computing the acreage share of each person each acre of flue-cured to-  
bacco shall be given a weight of 4; each acre of potatoes (planted on the farms  
for which potato goals are established), a weight of 3; each acre of cotton or  
Burley tobacco, a weight of 2; each acre of other soil-depleting crops (excluding  
general soil-depleting crops on farms where the general soil-depleting goal is as  
large as the usual acreage of crops in such goal), a weight of 1; and each acre  
unit of soil-building practices (excluding the growing of self-reseeded annual  
legumes and the maintenance of perennial grasses or perennial or biennial legumes  
or mixtures of such grasses and legumes and excluding soil-building practices  
which are carried out by the owner of a farm rented to another person for cash,  
standing or fixed rent and which are not required in meeting the soil-building  
goal for the farm), a weight of 1. If the county committee determines that two  
or more persons have contributed to the carrying-out of any soil-building practice,  
the acreage of such practice with respect to which such persons contributed shall  
be divided equally among them.

If, prior to the harvest of any soil-depleting crop, there is a change in the ownership or operation of a farm and the county committee determines that both owners, or both operators, as the case may be, have contributed to performance with respect to the goal for such crop, the acreage of such crop shall be divided between them on the basis of such contribution to performance by agreement in writing, or in the absence of such agreement, by determination of the county committee. Any deductions incurred pursuant to the provisions of Sec. 4 shall be made pro rata from the items making up the maximum payment with respect to the farm.

Sec. 9. Association Membership and Deduction for Expenses. - Any person who previously has not, in accordance with the Articles of Association, become a member of the county agricultural conservation association of the county in which his farm or farms are located shall become a member thereof by signing an application under which a payment can be made with respect to any such farm. Any person shall cease to be a member of the association when it becomes evident that he cannot qualify for a payment in the county in connection with the 1938 Agricultural Conservation Program.

There shall be deducted pro rata from the payments made to members of each county agricultural conservation association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each county agricultural conservation association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms estimated by the Agricultural Adjustment Administration with respect to which a payment (prior to deduction of any administrative expenses) of not more than \$20.00 will be made.

Sec. 10. Payments Restricted to Effectuation of the Purposes of the Program. - All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or wood land owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the regional director.

Sec. 11. Payments Computed and Made Without Regard to Claims. - Any payment or share of payment shall be computed and paid without regard to questions of title under state law, without deduction of claims for advances, and without regard to any claim or lien against any or part, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 12. Changes in Leasing and Cropping Agreements and Other Devices. - If the State committee finds that any person who files an application for a payment

pursuant to the provisions of the 1938 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed any other scheme or device whatsoever, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1938 Agricultural Conservation Program.

Sec. 13. Deductions Incurred on Other Farms. - If a person who makes application for payment with respect to any farm operates, rents to another person for a share of the crops produced thereon, or field-rents to other persons for cash any other farm(s) in the county, and for such other farm(s) an application under which a payment can be made is not filed and deductions computed under Sec. 4, excluding item (7), exceed the amount computed for such other farms under items (1) through (5) (excluding item (1) when the general soil-depleting goal is determined to be as large as the usual acreage of general soil-depleting crops) of Sec. 3, the payment to be made to such person shall be decreased by an amount equal to such person's share 8/ of such deductions in excess of such amount computed under Sec. 3.

The provisions of this Sec. 13 shall be extended to include farms in two or more counties in the State which any person operates, rents to another person for a share of the crops produced thereon or field-rents to other persons for cash, if the State committee finds that the acreage used for the production of any soil-depleting (s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1938 Agricultural Conservation Program.

Sec. 14. Rates Per Acre - General Crops. - The Secretary shall establish for each county a county rate per acre which will vary among the counties as the productivity of the cropland in the county devoted to the production of corn, wheat, oats, barley, rye, buckwheat, grain sorghums, soybeans, field beans, sorghum for syrup, potatoes (except in counties in which potato goals are established), sweetpotatoes, and broomcorn varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A rate per acre shall in accordance with instructions issued by the Agricultural Adjustment Administration be established for each farm by the county committee, subject to the approval of the State committee. Such rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of such other crop as does reflect the productivity of the farm may be used, provided that the rate per acre for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the rates per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

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8/ To be determined in accordance with the provisions of Sec. 8.

The weighted average rate per acre for all farms in the county shall not exceed the county rate per acre unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county and a variation from the county rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 15. Rates Per Acre - Cotton, Tobacco, Peanuts and Potatoes. - (a)

There shall be established for each county having a cotton, tobacco, peanut or potato goal the county average rate per acre for each such crop for which a county goal is established. Such county average rate per acre shall be determined by the Agricultural Adjustment Administration on the basis of average yields in the county during the ten-year period 1927 to 1936, inclusive, or such combination of five or more years as it is determined most accurately represents the normal yield of such crop in such county. If annual county yields are not available for any crop, the yields for census years and for other years for which data on yields are available to the Agricultural Adjustment Administration and the yields established under the 1937 Agricultural Conservation Program shall be used as a basis for establishing county rates per acre.

(b) The county committee shall establish for each farm having a cotton, tobacco, peanut or potato goal a rate per acre for each such crop for which a goal for such crop is established. Such rate per acre designated for any farm shall be based upon that yield which the county committee, acting in accordance with applicable instructions, finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of such crop. In designating the yield due consideration shall be given by the committee to the trend of yield per acre as well as the type of soil, drainage, erosion, production practices, general fertility of the land, and the yield of such crop customarily secured on the farm. The weighted average rate per acre for all farms in any county with respect to any such crop shall not exceed the county average rate per acre for such crop unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county producing such crop and a variation from the county average rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 16. Application for Payment. - (a) An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 8, a share in the payment with respect to the farm would be computed and (1) who is growing crops on such farm, is operating such farm or is renting such farm to another person for a share of the crops grown thereon, or (2) who is the owner of such farm and participates thereon in the carrying-out of soil-building practices in 1938.

(b) Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not

submitted to the county office within the time fixed by the regional director. At least two week's notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) When an application for payment is filed by a person with respect to a farm in a county a report (upon a prescribed form) shall be submitted covering farming operations on each other farm in the county which such person is operating, renting to another person for a share of the crops produced thereon, or field-rents to other persons for cash. Upon request by the State committee such person also shall submit a report (upon a prescribed form) covering farming operations on any farm in any other county in the State which he operates, rents to another person for a share of the crops grown thereon, or field-rents to other persons for cash.

(d) The payment with respect to any farm shall be computed on the basis of the performance under the 1938 Agricultural Conservation Program on such farm without regard to the performance on other farms, except as provided in Sec. 13. Two or more farms operated by the same person as a unit for a regular crop rotation or as a unit with respect to workstock, farm machinery, and labor, may, for the purpose of computing payments with respect thereto, be considered one farm (if all of the persons entitled to share in the payment with respect to such farms agree thereto) unless the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration, that the combining of such farms will result in payments not commensurate with performance thereon.

Sec. 17. Determination of County in Which a Farm Is Located. - A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

Sec. 18. Appeals. - Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination: (a) eligibility to file an application for payment; (b) any soil-depleting or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision, appeal in writing to the State committee. The State committee shall within 30 days after the receipt of the appeal inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may, within 15 days thereafter, request the regional director to review the decision of the State committee.

Sec. 19. Instructions and Forms. - The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1938 Agricultural Conservation Program. Such instructions shall include provision for the rounding of fractions in connection with goals, 1938 acreages of crops and practices, and per-acre rates of payment and shall also provide for calculating the net payment to any person to the nearest whole dollar, fractions of 50 cents or less to be dropped and fractions of more than 50 cents to be considered as \$1.00.

Sec. 20. Definitions. - For the purposes of the 1938 Agricultural Conservation Program.

SECRETARY means the Secretary of Agriculture of the United States.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

STATE COMMITTEE means the group of persons designated within any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

FIRM means all adjacent or nearby farm land owned by a person (a) which is operated by one person as all or part of the land operated by such person with workstock, farm machinery, and labor substantially separate from that for any other land, or (b) all or part of which is field-rented to and operated by other persons: Provided, That land which is rented for fixed or cash rent or which is field-rented for a share of the crop by an operator from one or more persons in accordance with usual farming arrangements may be included as a part of the farm of the operator.

CROPLAND means farm land which is tilled annually or in a regular rotation but shall not include restoration land or any land which constitutes, or will constitute if such tillage is continued, an erosion hazard to the community because of the texture or slope of such land or because of climatic conditions, but shall include land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and shall include also land planted to commercial or non-commercial orchards other than abandoned orchards.

COMMERCIAL ORCHARDS means the acreage in planted fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

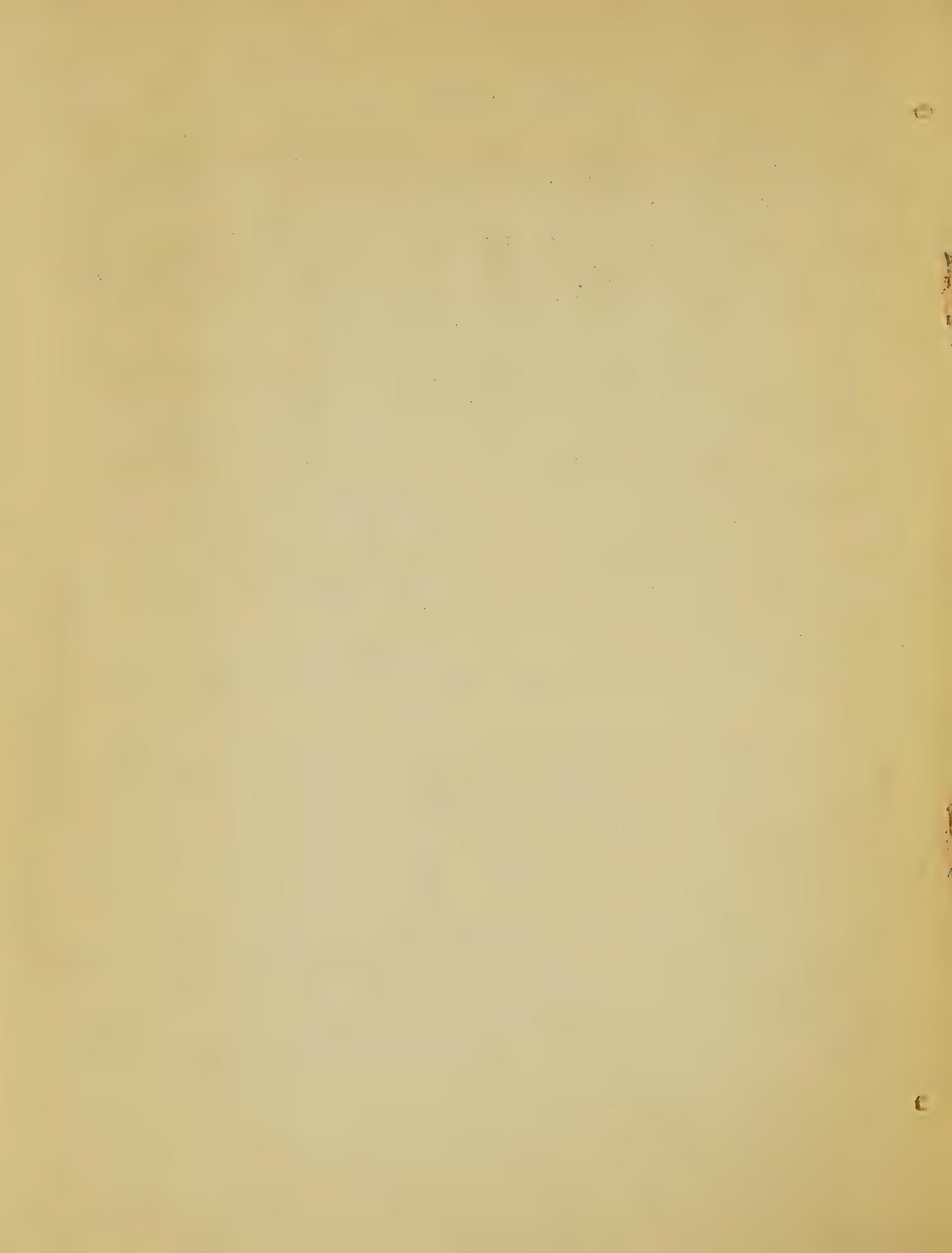
COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including potatoes on farms where a potato goal is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

NONCROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING GOAL means the total soil-depleting goal established for the farm less the acreage included in each individual crop goal established for the farm.

GENERAL SOIL-DEPLETING CROPS means all soil-depleting crops other than those for which individual crop goals are established on the farm.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.



Preliminary

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

FEB 17 1938 ☆

1938 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

Bulletin 201--North Carolina

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Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of section 7(a) of the said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are subject to such legislation affecting said program as the Congress of the United States may hereafter enact, and the making of the payments and grants of aid herein provided are contingent upon such appropriation as the said Congress may hereafter provide for such purpose; the amounts of such payments and grants of aid will be finally determined by such appropriation and by the extent of national participation in the program. Any increase or decrease in rates of payments and deductions because of the extent of participation in the program will not be in excess of 10 percent.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are applicable only in the State of North Carolina excluding counties for which special programs are approved for 1938 by the Secretary of Agriculture; and public domain, lands owned by the United States and administered under the Taylor Grazing

Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Sec. 1. National, State and County Goals.—(a) The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

(1) The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops, and the carrying out of such soil-building practices as will preserve and improve soil fertility and prevent wind and water erosion.

(2) The following acreages of soil-depleting crops:

Cotton	27,000,000 to 29,000,000 acres
Corn	92,000,000 to 96,000,000 acres
Tobacco	

Flue-cured	840,000 to 880,000 acres
Burley	480,000 to 500,000 acres
Fire-cured and dark air-cured	170,000 to 180,000 acres
Cigar filler and binder	85,000 to 90,000 acres
Georgia-Florida Type 62	2,800 to 3,000 acres

Potatoes	3,100,000 to 3,300,000 acres
Peanuts	1,500,000 to 1,600,000 acres
Rice	825,000 to 875,000 acres
Other soil-depleting crops	145,000,000 to 155,000,000 acres
Total soil-depleting crops	273,000,000 to 288,000,000 acres

(b) State goals for total soil-depleting crops and for individual soil-depleting crops where applicable shall be established by the Agricultural Adjustment Administration, on the basis of the average acreage of the various soil-depleting crops grown in each State in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation

Program; taking into consideration trends in acreage, the acreage of food and feed crops required for home consumption, and farms for which goals may be established as large as the usual acreage of crops grown thereon. The total of the State goals for any crop or group of crops shall not be less than the minimum acreage, nor more than the maximum acreage specified as the national goal for such crop or group of crops in subsection (a).

(c) The Agricultural Adjustment Administration, with the assistance of the State committee, shall establish county goals for total soil-depleting crops, and for individual soil-depleting crops where applicable. County goals for cotton and tobacco shall be established for each county where such crops are grown. County goals for potatoes and peanuts shall be established only for those counties in the principal commercial producing areas designated by the Agricultural Adjustment Administration. In establishing county goals the State goal shall be equitably distributed among the counties on the basis of the average acreage grown in such counties in the period from 1928 to 1937 inclusive, and the base acreages established in connection with the 1937 Agricultural Conservation Program adjusted where necessary for farms for which provision was not made in 1937; taking into consideration trends in acreage, farms for which goals may be established as large as the usual acreage of crops grown thereon, and recommendations of district and county agricultural planning committees with respect to the acreages of various crops and groups of

crops which should be grown in each county in order to promote soil conservation.

The Agricultural Adjustment Administration may, upon the recommendation of the State committee, establish county goals for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and prevent wind and water erosion.

Sec. 2. Goals for Individual Farms.—(a) The county committee shall establish for each farm a total soil-depleting crop goal, and goals for cotton, tobacco, peanuts, rice and potatoes, where applicable. The soil-depleting goal for any farm shall represent the farm's equitable share of the county goal taking into consideration good soil management, the tillable acreage on the farm, the type of soil, topography, production facilities, the crop rotation system, the acreage of such crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm.

If the acreage of cotton planted on any farm in 1938 is less than 80 percent of the cotton goal established for that farm, the cotton goal for 1938 shall be reduced to 125 percent of the planted acreage of cotton, unless the county committee finds that the failure to plant 80 percent of the acreage in the cotton goal was due to flood or drought.

The soil-depleting goals for all farms in the county shall not exceed such goals as shall be established for the county by the

Agricultural Adjustment Administration, and the sum of the goals for farms furnishing required forms and information shall not exceed their proportionate share of the county goals.

(b) The county committee shall establish for each farm a soil-conserving acreage which, except as otherwise noted, shall be the difference between the acreage of cropland in the farm (excluding commercial orchards and normally idle cropland) and the total soil-depleting goal for the farm.

(c) The county committee shall establish for each farm a soil-building goal which shall represent the number of acres or acre equivalents of applicable practices listed in Sec. 6 to be carried out on the farm as a condition of payment. The soil-building goal for a farm, except as otherwise noted, shall be the sum of the following:

- (1) (a) One and one-half times the soil-conserving acreage or
- (b) On farms for which cotton, flue-cured tobacco, or peanut goals are established, an acreage equal to not more than the sum of the cotton, tobacco, peanut and potato goals and not less than one-half of the sum of such goals may be used if requested by the operator. If this alternative is used, the general soil-depleting goal shall not be used in computing the payment for the farm.

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1/ For any farm for which the total soil-depleting goal is determined to be as large as the usual acreage of soil-depleting crops grown on the farm, the soil-building goal shall be the sum of the following:

- (1) An acreage equal to one-half the number of dollars computed for the farm under section 3.
- (2) The soil-conserving acreage for the farm.

(2) The number of acres by which the general soil-depleting goal exceeds the total of the cotton, tobacco, peanut and potato goals, if the general soil-depleting goal is determined to be as large as the usual acreage of general soil-depleting crops grown on the farm and such goal is used in computing the payment for the farm.

(3) The average annual acreage on which commercial vegetables were grown on the farm in 1936 and 1937.

(4) The acreage of commercial orchards on the farm.

(5) One-eighth of the number of acres of noncrop pasture land included in the computation of the payment for the farm.

The county committee, shall, insofar as practicable, establish soil-building goals for individual farms in terms of acreages or acreage equivalents of one or more specified soil-building practices which it determines are not routine farming practices on the farm but are needed on the farm in order to preserve and improve soil fertility and prevent wind and water erosion and will tend to accomplish the goals established for the county with respect to particular soil-building practices.

Sec. 3. Payment for Full Performance. Payment will be made with respect to any farm for not exceeding the soil-depleting goal and for achieving the soil-building goal in an amount which shall be the sum of the following:

(1) \$1.50 per acre, adjusted for productivity, for each acre in the general soil-depleting goal: Provided, however, That if such goal is determined to be as large as the usual acreage of general

soil-depleting crops grown on the farm, the rate shall be \$1.50 per acre on the number of acres in the general soil-depleting goal in excess of the sum of the cotton, tobacco, peanut and potato goals for the farm. The general soil-depleting goal shall not be used in computing the payment with respect to farms for which all or part of the sum of the cotton, tobacco, peanut, and potato goals is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal.

(2) 2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton goal.

(3) The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco goal for each of the following types of tobacco:

(a) Flue-cured	1.0 cents
(b) Burley	0.5 cents

(4) 0.2 cents per pound of the normal yield per acre of peanuts for the farm for each acre in the peanut goal.

(5) For farms having potato goals 6 cents per bushel of the normal yield per acre of potatoes for the farm for each acre of potatoes planted on the farm in 1938, not in excess of the potato goal.

(6) 70 cents per acre on (a) the soil-conserving acreage, or (b) all or such portion of the sum of the cotton, tobacco, peanut, and potato goals, as is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal for the farm.

(7) \$2.00 per acre of the average annual acreage on which commercial vegetables were grown on the farm in 1936 and 1937.

(8) \$2.00 per acre of commercial orchards on the farm

(9) 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

Sec. 4. Payment for Partial Performance. The payment computed for any farm, under the provisions of section 3 shall be subject to all of the following deductions which are applicable to the farm.

(1) Ten times the payment rates specified in section 3 for the normal yield on the acreages by which the acreages of flue-cured tobacco, Burley tobacco, potatoes, and peanuts exceed the respective goals established for these crops, or on farms for which potato goals are not established in designated commercial areas, for each acre by which the acreage of potatoes exceeds 3 acres.

(2) Eight times the payment rates specified in section 3 for each acre of soil-depleting crops in excess of the total soil-depleting crop goal for the farm less any acreage on which deductions are made for exceeding other soil-depleting goals.

(3) 5 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton goal but not in excess of 120 percent of the cotton goal and 10 cents per pound of the normal yield for the farm for each acre of cotton in excess of 120 percent of the cotton goal for the farm.

(4) \$2.00 for each acre or acre equivalent by which the soil-building goal is not reached.

(5) In counties where commercial vegetables and potatoes are grown generally on the same farms, (such counties to be designated by the Agricultural Adjustment Administration) a deduction shall be made from the payment with respect to any farm having any of such individual

crop goals for each acre on which commercial vegetables are grown in 1938 in excess of the average acreage on which commercial vegetables were grown on the farm in 1936 and 1937 (adjusted where necessary for the effect of abnormal weather conditions on plantings in such years), such deduction to be at the deduction rate applicable to the farm under section 4 with respect to potatoes.

Section 5. Soil-depleting Crops.<sup>2/</sup> - Land devoted in 1938 to any of the following crops or uses, or such other similar crops and uses as are designated by the Agricultural Adjustment Administration, shall be classified as soil-depleting:

(a) Land planted to the following crops for harvest in 1938:

- (1) Corn (including field corn, sweet corn and popcorn, but excluding sown or close-drilled corn used as a cover crop or green manure crop).
- (2) Cotton.
- (3) Tobacco.
- (4) Peanuts harvested for nuts.
- (5) Broomcorn.
- (6) Mangels and cowbeets.
- (7) Truck and vegetable crops (including strawberries, melons, and sweet potatoes) and their seeds.
- (8) Potatoes.
- (9) Bulbs and flowers.
- (10) Field beans.
- (11) Canning peas.

(b) Land planted to wheat between August 1, 1937, and July 31, 1938, unless a good stand and good growth of such crop is used as a green manure crop, or such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

(c) Land planted to oats <sup>3/</sup>, barley, rye, buckwheat, rape, and mixtures of these crops between August 1, 1937, and July 31, 1938, unless a good stand and good growth of such crop is used as a green

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<sup>2/</sup> Volunteer crops, if harvested, shall classify as if planted.

<sup>3/</sup> Excluding oats used as a support crop for vetch or Austrian field peas.

manure crop or such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

(d) Land planted in 1938 to sweet sorghums, Sudan grass, millet or close-drilled corn, unless a good stand and good growth of such crop is used as a green manure crop or such crop is used as a cover crop or for pasture and is not harvested for grain, seed, syrup, or silage.

(e) Land planted in 1938 to field peas or soybeans harvested for seed for crushing, or canning.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reached maturity such land shall be regarded as devoted to the crop reaching maturity. If none or more than one of such crops reached maturity and an individual crop goal is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop goal is established. If none of such crops reach maturity and individual crop goals are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop goal is established. If two or more of such crops reach maturity and individual crop goals are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop goal is established. The acreage of land which is devoted simultaneously to two or more of the above

soil-depleting crops shall be divided among such crops on the basis of the land occupied by each.

Sec. 6. Soil-Building Practices.— Such of the soil-building measures listed in the following schedule, as the Agricultural Adjustment Administration determines are adapted to any region and should be encouraged in such region, shall count toward the achievement of the soil-building goal to the extent indicated therein, when such measures are carried out in 1938 in areas designated by and in accordance with specifications issued by the regional director or by the State committee with the approval of the regional director. The areas designated for any soil-building practice shall be areas in which such practice is desirable and necessary as a conservation measure. The specifications issued by the State committee or regional director shall be such as to assure that the soil-building practice will be performed in a workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted towards meeting the soil-building goal. If a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by the State or Federal agency other than the Agricultural Adjustment Administration, the proportion of the total acreage of the practice not exceeding the proportion of the total cost not furnished by the State or Federal agency may be counted towards meeting the soil-building goal.

Schedule of Soil-Building Practices

A. Each acre of the following shall be counted as one acre:

- (1) Maintaining until after July 1, 1938, a good stand of perennial grasses or perennial or biennial legumes, or mixtures of such grasses and legumes, seeded or established prior to 1938 on cropland on which no soil-depleting crop is planted between August 1, 1937, and July 31, 1938.
- (2) Seeding biennial legumes (other than those qualifying under practice B-1); orchard grass; or mixtures of timothy or redtop and legumes.
- (3) Seeding winter legumes or growing annual lespedeza.
- (4) Green manure crops of which a good stand and good growth is plowed or disced under as green manure.<sup>4/</sup>
- (5) Summer legumes grown alone and not classified as soil-depleting.
- (6) Growing Sudan grass, millet, or annual ryegrass, provided a good growth is attained, and the crop is not harvested for grain, seed, or hay, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.
- (7) Growing sweet sorghums, rye, or sown or close-drilled corn provided a good growth is attained, the crop is not pastured or harvested for grain, seed, or forage,

<sup>4/</sup> In orchards or on commercial vegetable or potato land such crop may be left on the land as a temporary mulch to be later incorporated into the soil.

and such crop is grown on land from which no soil-depleting crop is harvested in 1938.

B. Each acre of the following shall be counted as one and one-half acres:

- 5/
- (1) Seeding approved domestic or Canadian red clover except in mixtures.

C. Each acre of the following shall be counted as two acres:

- (1) Seeding adapted perennial legumes; perennial grasses other than timothy, redtop and orchard grass; or mixtures of legumes and perennial grasses other than timothy and redtop.
- (2) Improving a stand of forest trees under such system of farm woodland management as is approved by the regional director.

D. Each acre of the following shall be counted as five acres:

- (1) Planting forest trees (including shrubs in protective plantings).

E. Each acre of the following shall be counted as one-half acre:

- (1) Summer legumes not classified as soil-depleting, if interplanted or grown in combination with soil-depleting crops.
- (2) Seeding timothy or redtop.

F. Each unit of the following practices shall be counted as one acre :

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- 5/ Seed to be approved by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration.
- 6/ When the materials specified in items 1,2, or 3 are applied to perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or Natal grass in connection with a soil-depleting crop, only one-half of the material applied shall be counted toward meeting the soil-building goal.

- (1) Application of 300 pounds of 16 percent superphosphate or its equivalent to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pastures.
- (2) Application of 200 pounds of 50 percent muriate of potash or its equivalent to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pastures.
- (3) Application of 500 pounds of basic slag or rock phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass or permanent pastures.
- (4) Construction of 200 linear feet of standard terrace for which proper outlets are provided.
- (5) Reseeding pastures - 10 pounds of seed.
- (6) Contour ridging of noncrop open pasture land - 750 feet of ridge or terrace.
- (7) Application of not less than two tons of straw or equivalent materials per acre in commercial orchards or on commercial vegetable land and such material mechanically incorporated into the soil or used as a mulch.

(8) Application<sup>7/</sup> of the following quantities of ground limestone or its equivalent in areas designated by the regional director as areas in which the average cost of ground limestone to farmers is:

- (a) Not more than \$1.50 per ton ..... 3000 lbs.
- (b) More than \$1.50 but not more than \$2.50 per ton ..... 2000 lbs.
- (c) More than \$2.50 but not more than \$3.50 per ton ..... 1500 lbs.
- (d) More than \$3.50 but not more than \$5.00 per ton ..... 1000 lbs.
- (e) More than \$5.00 per ton ..... 800 lbs.

Sec. 7. Materials Furnished as Grants of Aid. Wherever it is found practicable, limestone, superphosphate, trees, seeds and other materials may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration.

Sec. 8. Division of Payment - Payments shall be divided among interested persons on the basis of the acreage shares of each person in the soil-depleting crops grown or the soil-building practices carried out on the farm.

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<sup>7/</sup> Applications of less than 1000 pounds per acre of ground limestone to soil-depleting row crops shall not be counted toward meeting the soil-building goal.

In computing the acreage share of each person, each acre of flue-cured tobacco shall be given a weight of 5; each acre of cotton, Burley tobacco, and potatoes (planted on farms for which potato goals are established) a weight of 3; each acre of other soil-depleting crops (excluding sugar beets and sugarcane for sugar, and general soil-depleting crops on farms where the general soil-depleting goal is as large as the usual acreage of crops in such goal), a weight of 1; and each acre unit of soil-building practices (excluding the maintenance of perennial grasses or perennial or biennial legumes or mixtures of such grasses and legumes and the growing of self-reseeded annual legumes and excluding soil-building practices which are carried out by the title owner of a farm rented to another person for cash and which are not required in meeting the soil-building goal for the farm), a weight of 1. If the county committee determines that two or more persons have contributed to the carrying out of any soil-building practice, the acreage of such practice shall be divided equally among them.

Sec. 9. Association Membership and Deduction for Expenses. -

Any person who previously has not, in accordance with the Articles of Association, become a member of the county agricultural conservation association of the county in which his farm or farms are located shall become a member thereof by signing an application under which a payment can be made with respect to such farm or farms. Any person shall cease to be a member of the association when it becomes evident that he cannot qualify for a payment in the county in connection with the 1938 Agricultural Conservation Program.

There shall be deducted pro rata from the payments made to members of each county agricultural conservation association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in co-operating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each county agricultural conservation association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms estimated by the Agricultural Adjustment Administration with respect to which a payment (prior to deduction of any administrative expenses) of not more than \$20 will be made.

Sec. 10. Payments Restricted to Effectuation of the Purposes of the Program. - All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or wood land owned or controlled by him, he adopts any practices which tend to defeat the purposes of a sound forestry program as prescribed by the regional director.

Sec. 11. Payments Computed and Made Without Regard to Claims.

Any payment or share of payment shall be computed and made without

regard to questions of title under State law, without deduction of claims for advances; and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 12. Changes in Leasing and Cropping Agreements and Other Devices. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed any other scheme or device whatsoever, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program, to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device or require such person to refund in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1938 Agricultural Conservation Program.

Sec. 13. Deductions Incurred on Non-Payment Farms. If a person who makes application for payment with respect to any farm operates or rents to another person for a share of the crops produced thereon any other farm(s) in the county, and for such other farm(s) deductions computed under section 4, excluding item 4, exceed the amount computed for such other farm(s) under items 1 through 7 of section 3, the payment to be made to such person shall be decreased by an amount equal to such person's share<sup>8/</sup> of such deductions in

<sup>8/</sup> To be determined in accordance with the provisions of Sec. 8.

excess of such amount computed under section 3.

The provisions of this section shall be extended to include farms in two or more counties in the State which any person operates or rents to another person for a share of the crops produced thereon, if the State committee finds that the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1938 Agricultural Conservation Program.

Sec. 14. Productivity Indexes. The Secretary shall establish for each county a county rate per acre which will vary among the counties as the productivity of the cropland in the county devoted to the production of corn, wheat, oats, barley, rye, buckwheat, grain sorghums, soybeans, field beans, sorghum for syrup, potatoes, except in counties in which potato goals are established, sweet potatoes, and broomcorn, vary as compared with the productivity of cropland in the United States devoted to the production of such crops.

A rate per acre shall be established for each farm by the county committee, subject to the approval of the State committee. Such rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop for any farm in the county does not accurately reflect the productivity of such farm, the yield of such other crops as does reflect the productivity of the farm may be used, provided that the rate per acre for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the rates

per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The average rate per acre for all farms in the county shall not exceed the county rate per acre unless it is determined that the farms for which such rates per acre are established are not representative of all farms in the county and a variation from the county rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 15. Cotton, Tobacco, Peanut, and Potato Yields and Rates

Per Acre. (a) There shall be established for each county having a corn, cotton, tobacco, peanut, potato, or rice goal, the county rate per acre for each such crop for which a county goal is established. Such county average rate shall be determined by the Agricultural Adjustment Administration on the basis of average yields in the county during the ten-year period 1927 to 1936, or such combination of five or more years as it is determined most accurately represents the normal yield of such crop in such county. If annual county yields are not available for any crop, the yields for census years and for other years for which data on yields are available to the Agricultural Adjustment Administration, and the yields established under the 1937 Agricultural Conservation Program shall be used as a basis for establishing county yields. The county average rate established for any county shall be the county average yield thus determined multiplied by the applicable unit rate established in Sec. 3.

(b) The county committee shall establish for each farm having a cotton, tobacco, potato, or peanut goal a rate per acre for each crop for which a goal for such crop is established. Such rate designated for any farm shall be a rate based on that yield which the county committee finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of such crop. In designating the yield due consideration shall be given by the committee to the trend of yield per acre, as well as the type of soil, drainage, erosion, production practices, general fertility of the land and the yield of such crop customarily secured on the farm. The per acre rate shall be such yield multiplied by the applicable per unit rate established in Sec. 3. The weighted average rate per acre for all farms in any county with respect to any such crop shall not exceed the county average rate per acre for such crop, unless it is determined that the farms for which rates per acre are established are not representative of all farms in the county producing such crop and a variation from the county average rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 16. Application for Payment. - (a) An application for payment with respect to a farm may be made by any person (1) who is growing crops on such farm, is operating such farm or is renting such farm to another person for a share of the crops grown thereon, or (2) who is the title owner of such farm and participates thereon in the carrying out of soil-building practices in 1938; and for whom, under

the provisions of Sec. 8, a share in the payment with respect to the farm would be computed.

(b) Payment will be made only upon application submitted through the county office. The Secretary reserves the right to (1) withhold payment to any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' public notice shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) When an application for payment is filed by a person with respect to a farm in a county a report (upon a prescribed form) shall be submitted covering farming operations on each other farm in the county which such person is operating or renting to another person for a share of the crops produced thereon. Upon request by the State committee such person also shall submit a report (upon a prescribed form) covering farming operations on any farm in any other county in the State which he operates or rents to another person for a share of the crops grown thereon.

(d) Each farm shall be covered by a separate application except that two or more farms operated by the same person with work-stock, farm machinery, and labor substantially separate from that of any other farms, may be covered by one application (if all of the

persons entitled to share in the payment with respect to such farms agree thereto) unless the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration, that the combining of such farms under one application will result in payments not commensurate with performance thereon. When two or more farms are combined under one application all such farms shall be considered as one farm for the purpose of computing payment. The payment with respect to the farm covered by each application shall be computed on the basis of the performance under the 1938 Agricultural Conservation Program on such farm without regard to the performance of farms covered by other applications, except as provided in Sec. 13.

Sec. 17. Determination of County in Which a Farm is Located.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

Sec. 18. Appeals. - Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting any farm in which he has an interest may, within 15 days after being notified thereof, request the county committee in writing to reconsider its recommendation or determination: (a) eligibility to file an application for payment; (b) any soil-depleting or soil-building goal; (c) the division of payments; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such

pasture or forest trees, and which was classified as cropland under the 1937 Agricultural Conservation Program and shall include also land planted to commercial or non-commercial orchards other than abandoned orchards.

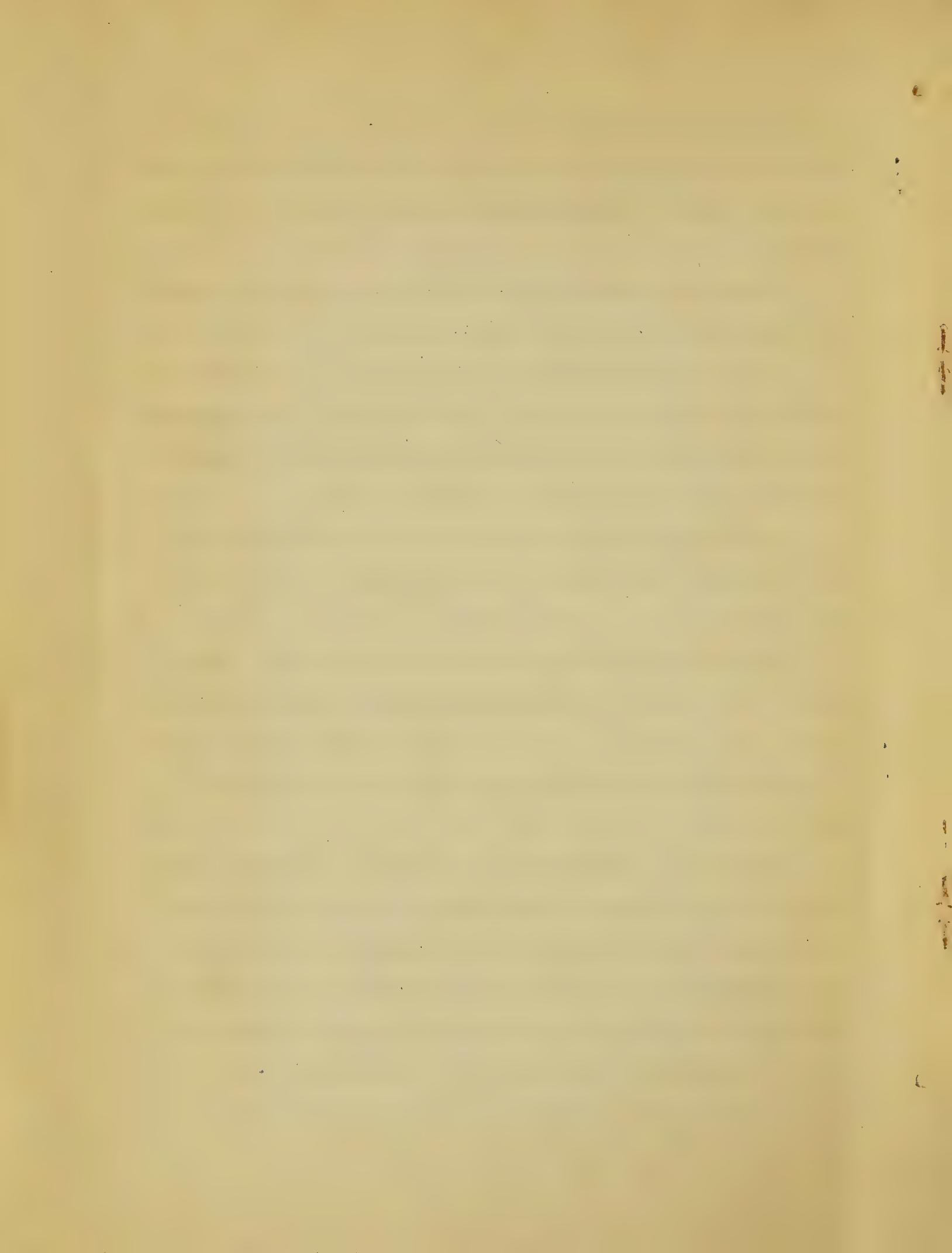
ANIMAL UNIT means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

GENERAL SOIL-DEPLETING GOAL means the total soil-depleting goal established for the farm less the acreage included in each individual crop goal established for the farm and less the acreage of sugarcane for sugar and sugar beets grown on the farm in 1938.

GENERAL SOIL-DEPLETING CROPS means all soil-depleting crops other than those for which individual crop goals are established on the farm.

NONCROP OPEN PASTURE means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for beef or dairy cattle and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including potatoes on farms where a potato goal is not established, sweet potatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.





May 1938

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
EAST CENTRAL DIVISION

## 1938 AGRICULTURAL CONSERVATION PROGRAM— NORTH CAROLINA

The provisions of the 1938 Agricultural Conservation Program, as amended May 25, 1938, which are applicable in the State of North Carolina

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Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin issued by the Secretary of Agriculture April 16, 1938 (ACP-1938-9), as amended May 25, 1938, and the authority vested thereby in the Agricultural Adjustment Administration, payments and grants of aid will be made for participation in the State of North Carolina in the 1938 Agricultural Conservation Program in accordance with the provisions of this East Central Region Bulletin 201 for the State of North Carolina and such modifications thereof or other provisions as may hereafter be made. This bulletin (ECR-201-North Carolina) includes all of the provisions of said 1938 Agricultural Conservation Program Bulletin (ACP-1938-9) as amended May 25, 1938 which are applicable to the State of North Carolina, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the East Central Division.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact. The making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such

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purpose, and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act as amended, and the extent of national participation. Under the provisions of section 105 of the Agricultural Adjustment Act of 1938, as amended, payments under the 1938 Agricultural Conservation Program, based on soil-depleting crops for which special acreage allotments are established, shall be made at not less than 90 percent of the rates specified in the 1938 Agricultural Conservation Program Bulletin (ACP-1938) approved October 23, 1937. The rate specified herein with respect to potatoes is 90 percent of the rate approved for potatoes on October 23, 1937, and therefore, will not be decreased. As an adjustment for participation the rates of payment and deduction with respect to each other commodity or item of payment may be decreased, and the rates of payment and deduction with respect to any commodity or other item of payment may be increased by as much as 10 percent. The provisions of the 1938 Agricultural Conservation Program are not applicable in the State of North Carolina to (1) counties for which special programs under the Soil Conservation and Domestic Allotment Act are approved for 1938 by the Secretary, and (2) public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture and other lands in which the beneficial ownership is in the United States.

#### SECTION I. NATIONAL AND STATE ACREAGE ALLOTMENTS AND GOALS

**A. National goals.**—The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

1. The following acreages of soil-depleting crops:

Cotton	-----	27,000,000 to	29,000,000 acres
Corn	-----	94,000,000 to	97,000,000 acres
Tobacco:			
Flue-cured	-----	850,000 to	875,000 acres
Burley	-----	440,000 to	460,000 acres
Fire-cured and dark air-cured	-----	170,000 to	180,000 acres
Cigar filler and binder	-----	85,000 to	90,000 acres
Georgia-Florida Type 62	-----	2,800 to	3,000 acres
Potatoes	-----	8,100,000 to	8,300,000 acres
Peanuts	-----	1,500,000 to	1,600,000 acres
Rice	-----	825,000 to	875,000 acres
Total soil-depleting crops	-----	275,000,000 to	290,000,000 acres

2. The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops; the restoration, insofar as is practicable, of a permanent vegetative cover on 6,000,000 acres of land unsuited to the continued production of cultivated crops; and the carrying out of soil-building practices that will preserve and improve soil fertility and prevent wind and water erosion.

**B. National and State acreage allotments.**—National and State acreage allotments of soil-depleting crops will be determined by the Secretary.

**SECTION II. COUNTY ACREAGE ALLOTMENTS AND GOALS**

**A. County acreage allotments of soil-depleting crops.**—The Agricultural Adjustment Administration, with the assistance of State committees, shall establish county acreage allotments for total soil-depleting crops, and for cotton, wheat, tobacco, potatoes, and peanuts for market, as hereinafter set forth. The soil-depleting acreage allotments for all counties in the State shall not exceed the applicable acreage allotment established for the State by the Secretary except as otherwise provided in this bulletin.

**1. Total soil-depleting acreage allotments.**—County acreage allotments of total soil-depleting crops shall be established by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the average acreage of soil-depleting crops grown in such counties in whichever of the periods of five or more consecutive years since 1927 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program, adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops, farms for which the general crop acreage allotment will be as large as the usual acreage of general soil-depleting crops, and the relationship of the usual acreage of individual soil-depleting crops to the 1938 acreage allotments in counties where allotments for individual soil-depleting crops are established.

**2. Cotton acreage allotments.**—(a) County acreage allotments for cotton shall be determined as follows: The State acreage allotment of cotton (less 2 percent or such smaller part thereof as the Agricultural Adjustment Administration determines shall be required in the State in making allotments to farms on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937) shall be prorated among the counties in the State on the basis of the acreage planted to cotton during the five years 1933 to 1937, inclusive, plus, in the applicable years, the acreage diverted from the production of cotton under agricultural adjustment and conservation programs, *provided*, that there shall be added to the acreage allotment for each county so determined the number of acres, if any, required to provide an acreage allotment in such county of not less than 60 percent of the sum of (1) the acreage planted to cotton in such county in 1937, and (2) the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program.

(b) In any county where the Agricultural Adjustment Administration finds that there are one or more administrative areas which, because of differences in types, kinds, and productivity of the soil or other conditions should be treated separately in order to prevent discrimination, the county acreage allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton in 1937, plus the acreage diverted from the production of cotton under the 1937 Agricultural Conservation Program, or, if the Agricultural Adjustment Administration determines that con-

ditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, then on the basis of the cotton soil-depleting base acreages established under the 1937 Agricultural Conservation Program. Allotments to the farms within each such administrative area shall be made by distributing the allotment for such administrative area in the manner provided in Section III for the apportionment of cotton county acreage allotments among farms.

**3. Wheat acreage allotments.**—County acreage allotments of wheat shall be established by distributing the State acreage allotment of wheat among the counties in the State pro rata on the basis of the acreage of wheat seeded for the production of wheat during the ten years, 1928 to 1937, inclusive, plus in applicable years the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in a county in any year of such ten-year period was less than 50 percent or more than 150 percent of the average computed for the other nine years, such year shall be eliminated in calculating the average acreage seeded for the production of wheat in such county. The average acreage seeded in any county for the production of wheat so determined shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreages diverted from the production of wheat during the years 1935, 1936, and 1937, and to the acreages so seeded and diverted during the ten-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

**4. Tobacco acreage allotments.**—County acreage allotments for each kind of tobacco shall be established by distributing the State acreage allotment of such kind of tobacco among the counties in the State on the basis of the base acreages of such kind of tobacco established for such counties under the 1937 Agricultural Conservation Program, taking into consideration allotments for small farms, trends in acreage, seed bed, and other plant diseases.

**5. Potato acreage allotments.**—County acreage allotments of potatoes for the Counties of Ashe, Avery, Beaufort, Buncombe, Camden, Carteret, Columbus, Craven, Currituck, Duplin, Edgecombe, Haywood, Henderson, Jackson, Martin, Mitchell, Pamlico, Pasquotank, Pitt, Sampson, Transylvania, Tyrrell, Washington, Watauga, Wayne, and Yancey, shall be established by distributing the State acreage allotment of potatoes among such counties pro rata on the basis of the average acreage devoted to potatoes in such counties during the years 1933 to 1937, inclusive, taking into consideration trends in acreage on commercial potato-producing farms as reflected by the acreage planted to potatoes in 1937, as compared with the average acreage planted during such five-year period and also taking into consideration the acreage of potatoes on non-commercial potato-producing farms.

**6. Peanut acreage allotments.**—County acreage allotments of peanuts for market for the Counties of Beaufort, Bertie, Bladen, Brunswick, Chowan, Columbus, Edgecombe, Gates, Halifax, Hertford, Martin, Nash, New Hanover, Northampton, Onslow, Pasquotank, Pender, Perquimans, Pitt, Robeson, Tyrrell, Warren, Washington, and Wilson, shall be established by distributing the State

**acreage allotment of peanuts among such counties in such State pro rata on the basis of the base acreages for peanuts established for such counties under the 1937 Agricultural Conservation Program, taking into consideration trends in acreage on commercial peanut-producing farms.**

**B. County soil-building goals.**—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent erosion.

### SECTION III. FARM ACREAGE ALLOTMENTS AND GOALS

The county committee, with the assistance of other local committees in the county, shall determine acreage allotments and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for the farms in a county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration, and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.

#### A. Soil-depleting acreage allotments:

**1. Total soil-depleting acreage allotment.**—The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm, taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

#### 2. Cotton allotment:

(a) County cotton acreage allotments shall be apportioned among the farms in the county on which cotton was planted in any one of the years 1935, 1936, and 1937, in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1937 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of wheat or tobacco for market, or wheat for feeding to livestock for market except that (1) for any such farm with respect to which the highest acreage planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937, is five acres or less, the cotton acreage allotment for the farm shall be such highest number of acres if the county cotton acreage allotment is sufficient therefor; (2) for any such farm with respect to which the highest number of acres planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937, is more than five acres, the allotment for the farm

shall not be less than five acres if the county cotton acreage allotment is sufficient therefor; (3) notwithstanding the foregoing provisions of this paragraph (a), a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from the production of cotton in any of the years 1935, 1936, and 1937, was five acres or less and the number of acres required for allotments of five acres for each other farm in the county on which cotton was planted in 1935, 1936, or 1937 may be apportioned among farms in the county on which cotton was planted in 1935, 1936, or 1937, and for which the allotment otherwise provided is five acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from the production of cotton in any one of the years 1935, 1936, and 1937. In making such allotments under clause (3) in the preceding sentence consideration shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this paragraph (a) exceed the highest number of acres planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937.

(b) In case the county allotment is insufficient to provide allotments to farms in the county, which are determined, under instructions issued by the Agricultural Adjustment Administration, to be adequate and representative in view of their past production of cotton and their tilled land, there shall be apportioned to such farms, under instructions issued by the Agricultural Adjustment Administration, such part of a State reserve equal to 4 percent of the State acreage allotment as is necessary to give such farms allotments in conformity with paragraph (a) which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under clauses (1) and (2) of paragraph (a).

(c) Notwithstanding the provision of paragraph (a) above the cotton acreage allotment for any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of the acreage as determined by the county committee to have been planted in cotton in 1937 and the acreage diverted from cotton production in 1937 under the agricultural conservation program provided that the cotton acreage allotment for any farm shall not be increased under this paragraph to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(d) That portion of the State acreage allotment not apportioned among the counties under Section II, subsection A, paragraph 2 (a) hereof shall be apportioned to farms in the State on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937, so as to result in comparable allotments to farms similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, and

the soil and other physical facilities affecting the production of cotton. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotments to such farms in the county together with such substantiating data as may be required by the Agricultural Adjustment Administration and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported.

3. **Wheat allotment.**—Acreage allotments of wheat shall be determined for farms on which wheat was seeded for harvest in one or more of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat was not seeded for harvest in any one of the three years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil and topography. The wheat acreage allotment for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors. No allotment shall be established for any farm for which the normal production of wheat for market is less than 100 bushels.

4. **Tobacco allotment.**—Acreage allotments for each kind of tobacco shall be determined on the basis of past acreage of each kind of tobacco with due allowance for the effects of abnormal weather conditions and plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The tobacco acreage allotment for any farm on which tobacco was grown in one or more of the years 1934 to 1937, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors; *provided*, that special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is to be produced in 1938 for the first time since 1933 shall not exceed 75 percent of the allotment for other farms in the same community on which tobacco was produced since 1933 which are similar with respect to land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

5. **Potato allotment.**—In the counties of Ashe, Avery, Beaufort, Buncombe, Camden, Carteret, Columbus, Craven, Currituck, Duplin, Edgecombe, Haywood, Henderson, Jackson, Martin, Mitchell, Pamlico, Pasquotank, Pitt, Sampson, Transylvania, Tyrrell, Washington, Wautauga, Wayne, and Yancey, allotments shall be determined for each farm normally producing potatoes excluding farms on which the acreage normally planted to potatoes for market is determined to be less than three acres. No potato acreage allotment shall be less than three acres. Potato acreage allotments shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage

allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

**6. Peanut allotment.**—In the counties of Beaufort, Bertie, Bladen, Brunswick, Chowan, Columbus, Edgecombe, Gates, Halifax, Hertford, Martin, Nash, New Hanover, Northampton, Onslow, Pasquotank, Pender, Perquimans, Pitt, Robeson, Tyrrell, Warren, Washington, and Wilson, a peanut acreage allotment shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, and the acreage of peanuts for market customarily grown on the farm. The peanut acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

**B. Soil-building goals.**—The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under Section IV, subsection B, with respect to the acreage of cropland with respect to which a payment of 70 cents per acre is computed, and the commercial vegetable acreage, commercial orchards, and noncrop pasture land. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**C. Posting of acreage allotments.**—All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

#### SECTION IV. PAYMENT FOR FULL PERFORMANCE

Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building goals in an amount which shall be the sum of the following:

##### A. Soil-depleting acreage allotments:

**1. Cotton.**—2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton acreage allotment; or, if the acreage planted to cotton is less than 80 percent of the cotton acreage allotment and the county committee finds that the failure to plant 80 percent of such cotton acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to cotton. The acreage planted to cotton shall be deemed to be that acreage which is seeded to cotton classified as soil-depleting.

**2. Wheat.**—12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment and the county committee finds that the failure to plant 80 percent of such wheat acreage allotment was not

due to flood or drought, for 125 percent of the acreage planted to wheat. The acreage planted to wheat shall be deemed to be that acreage which is seeded to wheat classified as soil-depleting under subsection B of Section XIII.

**3. Tobacco.**—The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment for each of the following kinds of tobacco:

(a) Burley	-----	0.5 cent
(b) Flue-cured	-----	1.0 cent

**4. Potatoes.**—5.4 cents per bushel of the normal yield per acre of potatoes for the farm for each acre of potatoes planted on the farm in 1938 not in excess of the potato acreage allotment. The acreage planted to potatoes shall be deemed to be that acreage which is seeded to potatoes.

**5. Peanuts.**—0.2 of a cent per pound of the normal yield per acre of peanuts for market for the farm for each acre in the peanut acreage allotment.

#### B. Payments in connection with soil-building practices:

1. 70 cents per acre of cropland on the farm in excess of the sum of (1) the acreages used in computing payments with respect to the wheat, potato, and peanut acreage allotments established for the farm; and (2) one and one-half times the acreage used in computing payment with respect to the cotton and tobacco acreage allotments established for the farm.

2. \$1.50 per acre of the average acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

3. \$2.00 per acre of commercial orchards on the farm January 1, 1938.

4. 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

### SECTION V. PAYMENTS FOR PARTIAL PERFORMANCE

Payments computed for any farm under the provisions of Section IV shall be subject to all the following deductions which are applicable to the farm.

#### A. Deductions for excess acreages of soil-depleting crops:

1. **Cotton.**—5 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton acreage allotment.

2. **Flue-cured Tobacco.**—10 cents per pound of the normal yield for the farm for each acre of flue-cured tobacco in excess of the flue-cured tobacco acreage allotment.

3. **Burley Tobacco.**—5 cents per pound of the normal yield for the farm for each acre of Burley tobacco in excess of the Burley tobacco acreage allotment.

4. **Potatoes.**—54 cents per bushel of the normal yield for the farm for each acre of potatoes in excess of the potato acreage allotment, or, on farms for which potato acreage allotments are not established in the counties of Ashe, Avery, Beaufort, Buncombe, Camden, Car-

teret, Columbus, Craven, Currituck, Duplin, Edgecombe, Haywood, Henderson, Jackson, Martin, Mitchell, Pamlico, Pasquotank, Pitt, Sampson, Transylvania, Tyrrell, Washington, Watauga, Wayne, and Yancey, for each acre by which the acreage of potatoes for market exceeds 3 acres.

**5. Peanuts.**—2 cents per pound of the normal yield for the farm for each acre of peanuts for market in excess of the peanut acreage allotment.

**6. Total soil-depleting acreage allotments.**—The following applicable rate for each acre of land classified as soil-depleting in excess of the total soil-depleting acreage allotment less the acreages for which deductions are made under items 1 to 5, inclusive, of this subsection A:

(a) 60 cents per bushel of the normal yield per acre of wheat for the farm if a payment is computed for the farm under Section IV with respect to a wheat acreage allotment.

(b) \$4.00 per acre if a payment is computed for the farm under Section IV with respect to a cotton, tobacco, peanut, or potato acreage allotment but no payment is computed for the farm under Section IV with respect to a wheat acreage allotment.

**B. Deductions for failure to carry out soil-building practices.**—\$1.50 for each unit by which the soil-building goal is not reached.

#### SECTION VI. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and deductions in connection with acreage allotments.**—The net payment or net deduction computed for any farm with respect to the cotton, wheat, tobacco, peanut, or potato acreage allotment shall be divided among the landlords, tenants, and share-croppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the cotton, wheat, tobacco, peanuts, or potatoes, respectively, grown on the farm in 1938.

In computing such net payments and net deductions with respect to acreage allotments, the deductions computed under Section V with respect to soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 6, subsection A) shall be regarded (a) as deductions with respect to the wheat acreage allotment on farms for which a payment is computed under Section IV in connection with a wheat acreage allotment; (b) as prorata deductions with respect to the payments computed under Section IV in connection with crop acreage allotments on farms for which no payment is computed in connection with a wheat acreage allotment; or (c) as deductions with respect to the soil-building goal on farms for which no payment is computed under Section IV in connection with crop acreage allotments, provided that any net amount of such deductions computed for such farms shall be divided equally among the landlords and tenants on the farm.

In the event that cotton, wheat, tobacco, peanuts, or potatoes are not harvested in 1938 on the farm, or in the event the county committee, in accordance with instructions issued by the Agricultural

Adjustment Administration, finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deductions, if any, with respect to the acreage allotment for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) had such crop(s) been harvested on the farm in 1938 or the acreage of such crop(s) had not been so reduced.

**B. Payments with respect to soil-building practices.**—The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which the county committee determines each such person contributed thereto.

**C. Proration of Net Deductions.**—If with respect to any farm the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

#### SECTION VII. INCREASE IN SMALL PAYMENTS

The total payment computed under Sections IV to VI, inclusive, for any person with respect to any farm shall be increased as follows:

1. Any payment amounting to 71 cents or less shall be increased to \$1.00;
2. Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
3. Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99-----	\$0.40	\$32.00 to \$32.99-----	\$10.40
\$2.00 to \$2.99-----	0.80	\$33.00 to \$33.99-----	10.60
\$3.00 to \$3.99-----	1.20	\$34.00 to \$34.99-----	10.80
\$4.00 to \$4.99-----	1.60	\$35.00 to \$35.99-----	11.00
\$5.00 to \$5.99-----	2.00	\$36.00 to \$36.99-----	11.20
\$6.00 to \$6.99-----	2.40	\$37.00 to \$37.99-----	11.40
\$7.00 to \$7.99-----	2.80	\$38.00 to \$38.99-----	11.60
\$8.00 to \$8.99-----	3.20	\$39.00 to \$39.99-----	11.80
\$9.00 to \$9.99-----	3.60	\$40.00 to \$40.99-----	12.00
\$10.00 to \$10.99-----	4.00	\$41.00 to \$41.99-----	12.10
\$11.00 to \$11.99-----	4.40	\$42.00 to \$42.99-----	12.20
\$12.00 to \$12.99-----	4.80	\$43.00 to \$43.99-----	12.30
\$13.00 to \$13.99-----	5.20	\$44.00 to \$44.99-----	12.40
\$14.00 to \$14.99-----	5.60	\$45.00 to \$45.99-----	12.50
\$15.00 to \$15.99-----	6.00	\$46.00 to \$46.99-----	12.60
\$16.00 to \$16.99-----	6.40	\$47.00 to \$47.99-----	12.70
\$17.00 to \$17.99-----	6.80	\$48.00 to \$48.99-----	12.80
\$18.00 to \$18.99-----	7.20	\$49.00 to \$49.99-----	12.90
\$19.00 to \$19.99-----	7.60	\$50.00 to \$50.99-----	13.00
\$20.00 to \$20.99-----	8.00	\$51.00 to \$51.99-----	13.10
\$21.00 to \$21.99-----	8.20	\$52.00 to \$52.99-----	13.20
\$22.00 to \$22.99-----	8.40	\$53.00 to \$53.99-----	13.30
\$23.00 to \$23.99-----	8.60	\$54.00 to \$54.99-----	13.40
\$24.00 to \$24.99-----	8.80	\$55.00 to \$55.99-----	13.50
\$25.00 to \$25.99-----	9.00	\$56.00 to \$56.99-----	13.60
\$26.00 to \$26.99-----	9.20	\$57.00 to \$57.99-----	13.70
\$27.00 to \$27.99-----	9.40	\$58.00 to \$58.99-----	13.80
\$28.00 to \$28.99-----	9.60	\$59.00 to \$59.99-----	13.90
\$29.00 to \$29.99-----	9.80	\$60.00 to \$185.99-----	14.00
\$30.00 to \$30.99-----	10.00	\$186.00 to \$199.99-----	(1)
\$31.00 to \$31.99-----	10.20	\$200.00 and over-----	(2)

<sup>1</sup> Increase to \$200.<sup>2</sup> No increase.

### SECTION VIII. DEDUCTIONS INCURRED ON OTHER FARMS

**A. Other farms in the same county.**—If the deductions computed under Section V with respect to any farm in a county exceed the payment for full performance on such farm computed under Section IV, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in such county.

**B. Other farms in the State.**—If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.

### SECTION IX. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the

estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

#### **SECTION X. MATERIALS FURNISHED AS GRANTS OF AID**

Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm the amount of such difference shall be repaid by him to the Secretary.

Pursuant to the provisions of this Section X, triple superphosphate containing not less than 45 percent of available  $P_2O_5$  will be made available at Sheffield, Ala.; Wales, Tenn.; Baltimore, Md., and such other points as may be specified by the Regional Director. The deduction for such material shall be at the rate of \$1.60 for each 100 pounds of such material.

#### **SECTION XI. GENERAL PROVISIONS RELATING TO PAYMENTS**

**A. Payment restricted to effectuation of purposes of the program.**—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld—

1. If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous agricultural conservation programs;
2. If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or
3. If, with respect to forest land or woodland owned or controlled by him, he willfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning), or if he clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10" for coniferous species, and approximately 14" for hardwood species, except (a) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (b) where the clearing is for needed cropland, or (c) other special cases approved by the

County Committee in accordance with instructions issued by the State Committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

If on any farm for which no wheat, cotton, tobacco, peanut, or potato acreage allotment is established, the acreage of soil-depleting crops in 1938 is in excess of 50 acres and in excess of the total soil-depleting acreage allotment, the deduction provided in paragraph 6 (b) of subsection A of section V shall be applicable to such farm if the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm. No payment shall be computed with respect to any farm which is idle in 1938.

**B. Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection D of this Section XI) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

**D. Assignments.**—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration, and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any preexisting indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing contained in this Section XI shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

**E. Excess cotton acreage.**—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1938 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton thereon in 1938.

**F. Use of soil-conserving crops for market.**—No payment will be made with respect to any farm unless in 1938 an acreage, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market equal to the acreage by which the normal acreage of soil-depleting crops exceeds the larger of (1) the total soil-depleting acreage allotment, or (2) the acreage devoted to soil-depleting crops: *Provided*, That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept

for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed ten percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than ten percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under section XIII hereof.

## SECTION XII. APPLICATION FOR PAYMENT

**A. Persons eligible to file applications.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section VI a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the

crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Applications for other farms.**—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

### SECTION XIII. SOIL-DEPLETING CROPS

Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting. Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

- A. Land planted to the following crops for harvest in 1938.
  - 1. Corn (including field corn, silage corn, sweet corn, and popcorn, but excluding sown corn used as a green manure crop.)
  - 2. Tobacco.
  - 3. Cotton (except when such crop fails to reach the stage of growth at which bolls are first formed).
  - 4. Peanuts harvested for nuts.
  - 5. Broomcorn.
  - 6. Mangels.
  - 7. Cultivated sunflowers.
  - 8. Truck and vegetable crops (including strawberries, melons, and sweetpotatoes) and their seeds.
  - 9. Potatoes.
  - 10. Bulbs and flowers.
  - 11. Field beans.
  - 12. Canning peas.
- B. Land planted to wheat, oats, barley, rye, flax, or mixtures of these crops between August 1, 1937, and July 31, 1938, except
  - 1. When a good stand and good growth of such crop is used as a green manure crop; or
  - 2. When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.
- C. Land planted in 1938 to buckwheat, sweet sorghums, Sudan grass, or millet, harvested for hay, grain, seed, sirup, or silage.
- D. Land planted in 1938 to soybeans harvested for seed for crushing.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none of such crops reaches maturity or if more than one of such crops reach maturity and an individual crop acreage allotment is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established. If none of such crops reaches maturity and individual crop acreage allotments are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop acreage allotment is established. If two or more of such crops reach maturity and individual crop acreage allotments are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop acreage allotment is established. If two or more of such crops reach maturity or if none of such crops reaches maturity and individual crop acreage allotments are not established for any of such crops, the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined, in accordance with instructions issued by the Agricultural Adjustment Administration, to be devoted to each.

In connection with determinations regarding the maturity of crops, canning peas will be deemed to have reached maturity when such crops are harvested for canning. Field corn, sweet corn, and popcorn hogged off or cut for silage, fodder, or other similar uses, will be deemed to have reached maturity.

#### SECTION XIV. SOIL-BUILDING PRACTICES

The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials, furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

If trees are purchased from a Clark-McNary Cooperative State Nursery, such purchases shall not be deemed to be paid for in whole or in part by a State or Federal agency.

### SCHEDULE OF SOIL-BUILDING PRACTICES

**A. Each of the following practices in the amounts specified shall be counted as one unit, provided that, when the materials specified in items 1, 2, or 3 are applied to biennial or perennial legumes, perennial grasses, winter legumes, lespedeza, or crotalaria, seeded or grown in connection with a soil-depleting crop, only one-half of the material applied shall be counted.**

1. Application of 300 pounds of 16-percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.

For the purposes of this item 100 pounds of triple superphosphate containing not less than 45 percent of available  $P_2O_5$  shall be considered to be equivalent to 300 pounds of 16 percent superphosphate.

2. Application of 200 pounds of 50-percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.

3. Application of 500 pounds of basic slag, rock phosphate or colloidal phosphate, to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.

4. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

5. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed.

6. Application of the following quantities of ground limestone (or its equivalent) when applied at a rate not less than 1,000 pounds per acre:

2,000 pounds in the counties of Alamance, Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Montgomery, Orange, Person, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin, and Yancey.

1,500 pounds in the counties of Anson, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Richmond, Robeson, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson.

For purposes of this item 100 pounds of ground oyster shell, 150 pounds of limestone screenings, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

7. Application of 1,000 pounds of finely ground limestone (at least 90 percent to pass through a 30-mesh sieve and all finer particles obtained in the grinding process to be included), except to peanuts, flue-cured tobacco, and commercial vegetables, such limestone to be applied at the rate of not less than 500 pounds nor more than 1,000 pounds per acre.

**B. Each acre of the following shall be counted as one unit:**

1. Seeding kudzu, alfalfa, sericea, approved red clover, alsike clover, sweet clover, white clover, bur clover, crotalaria, bluegrass, orchard grass, carpet grass, Dallis grass, vetch, Austrian winter peas, crimson clover, annual lespedeza, annual ryegrass, or mixtures of such legumes and perennial grasses other than a mixture consisting solely of timothy and redtop.

2. Green manure crops, soybeans, velvet beans, cowpeas, crimson clover, Austrian winter peas, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, sown corn, or mixtures of any two or more of such crops, of which a good stand and good growth is plowed or disced under as green manure. A good stand and good growth of soybeans, velvet beans, cowpeas, sweet clover in orchards, or rye, left on the land as a temporary mulch. Summer legumes interplanted or grown in combination with soil-depleting crops, green manure crops counted under item 2 of subsection C below, and 1938 seedings of sweet clover in orchards will not be counted under this item 2.

**C. Each acre of the following shall be counted as two units:**

1. With prior approval of the county committee improving a stand of forest trees under such approved system of farm woodlot management as is specified by the Agricultural Adjustment Administration.

2. On any farm where the average acreage of land on which commercial vegetables were grown in 1936 and 1937 exceeds 50 percent of the acreage of cropland in the farm in excess of the sum of the potato, tobacco, cotton, and peanut acreage allotments established for the farm, green manure crops, including soybeans, velvet beans, cowpeas, crimson clover, Austrian winter peas, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, sown corn, or mixtures of any two or more of such crops, of which a good stand and good growth is plowed or disced under as green manure.

**D. Each acre of the following shall be counted as five units:**

1. Planting forest trees, provided such trees are protected and cultivated in accordance with good tree-culture practice.

**E. Each two acres of the following shall be counted as one unit:**

1. Summer legumes (interplanted or grown in combination with soil-depleting crops) of which a good stand and a good growth is plowed or disced under or left on the land.

2. Seeding timothy or redtop, or a mixture consisting solely of timothy and redtop.

**SECTION XV. NORMAL YIELDS**

**A. Normal yields of special soil-depleting crops.**—The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a cotton, wheat, tobacco, peanut, or potato acreage allotment is to be established a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration.

**1. Cotton.—**

(a) Where reliable records of the actual average yield of cotton per acre for the years 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the

farm shall be the average of such yields adjusted for abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 5-year period.

(c) The yields determined under paragraph (b) of this subdivision 1 shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton acreage allotments established for such farms) shall conform to the county (or administrative area) average yield established by the Secretary.

### **2. Wheat.—**

(a) Where reliable records of the actual average yield per acre of wheat for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such 10-year period reliable records of the actual average yield are not available or there was no actual yield because the commodity was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 10-year period. Where the productivity index most recently established for the farm in connection with the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

(c) The yields determined under paragraph (b) of this subdivision 2 shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotments established for such farms) shall conform to the county average yield established by the Secretary.

### **3. Tobacco, peanuts, potatoes.—**

(a) The normal yield of tobacco, peanuts for market, or potatoes, as the case may be, for any farms shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1938 with due consideration for type of soil, drainage, production practices, general fertility of the land, and the yield of such crop customarily secured on the farm. The average yield for all farms in any county with respect to any such crop shall not exceed the county average yield for the crop established by the Secretary.

### SECTION XVI. APPEALS

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

### SECTION XVII. STATE AND REGIONAL BULLETINS, INSTRUCTIONS, AND FORMS

The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program.

### SECTION XVIII. DEFINITIONS

For the purposes of the 1938 Agricultural Conservation Program:  
**SECRETARY** means the Secretary of Agriculture of the United States.

**REGIONAL DIRECTOR** means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

**EAST CENTRAL REGION** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**STATE COMMITTEE** means the group of persons designated within the State of North Carolina to assist in the administration of the 1938 Agricultural Conservation Program in such State.

**COUNTY COMMITTEE** means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

**PERSON** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**FARM** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops

and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops:

*Provided*, That land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**CROPLAND** means farm land which is tilled annually or in a regular rotation, excluding commercial orchards, but including any other land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to non-commercial orchards other than abandoned orchards.

**COMMERCIAL ORCHARDS** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

**COTTON** means cotton the staple of which is normally less than 1½ inches in length. American-Egyptian cotton, Sea Island cotton, and any other cotton the staple of which is normally 1½ inches or more in length shall be considered as general soil-depleting crops and not as cotton in connection with the 1938 Agricultural Conservation Program.

**COMMERCIAL VEGETABLES** means the acreage of vegetables or truck crops (including potatoes on farms where a potato acreage allotment is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

**PEANUTS FOR MARKET** means only those peanuts separated from the vines by mechanical means and from which the principal part of the production is sold to persons off the farm.

**NONCROP OPEN PASTURE** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

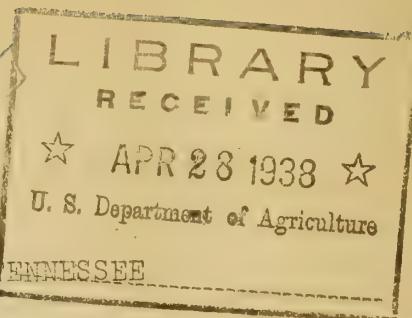
**LANDLORD** means a person who owns land and rents such land to another person or operates such land.

**SHARECROPPER** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**TENANT** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**ANIMAL UNIT** means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION



1938 AGRICULTURAL CONSERVATION PROGRAM - TENNESSEE

A tentative compilation of the provisions of the 1938 Agricultural Conservation Program applicable in the State of Tennessee.

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1938 AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7(a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amount of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in payments made because of the extent of participation in the program is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are applicable in the State of Tennessee excluding counties for which special programs under said Act are approved for 1938 by the Secretary; and public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Section 1. National, State, and County Goals. - (a) The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

(1) The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops, and the carrying out of such soil-building practices as will preserve and improve the soil fertility and prevent erosion.

(2) The following acreages of soil-depleting crops:

Cotton	27,000,000 to 29,000,000 acres
Corn	92,000,000 to 96,000,000 acres
Tobacco	
Flue-cured	850,000 to 900,000 acres
Burley	480,000 to 500,000 acres
Fire-cured and dark air-cured	170,000 to 180,000 acres
Cigar filler and binder	85,000 to 90,000 acres
Georgia-Florida Type 62	2,800 to 3,000 acres
Potatoes	3,100,000 to 3,300,000 acres
Peanuts	1,500,000 to 1,600,000 acres
Rice	825,000 to 875,000 acres
Other soil-depleting crops	145,000,000 to 155,000,000 acres
Total soil-depleting crops	273,000,000 to 283,000,000 acres.

(b) State goals for total soil-depleting crops and for individual soil-depleting crops where applicable shall be established by the Agricultural Adjustment Administration on the basis of the average acreage of the various soil-depleting crops grown in each State in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program, taking into consideration trends in acreage, the

acreage of food and feed crops required for home consumption, and farms for which goals may be established as large as the usual acreage of crops grown thereon. The total of the State goals for any crop or group of crops shall not be less than the minimum acreage nor more than the maximum acreage specified as the national goal for such crop or group of crops in subsection (a).

(c) The Agricultural Adjustment Administration with the assistance of State committees shall establish county goals for total soil-depleting crops and where applicable for individual soil-depleting crops. County goals for cotton and tobacco shall be established for each county where such crops are grown commercially. In establishing county goals the State goal shall be equitably distributed among the counties on the basis of the average acreage grown in such counties in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program adjusted where necessary for farms for which provisions was not made in 1937; taking into consideration trends in acreage, farms for which goals may be established as large as the usual acreage of crops grown thereon, and recommendations of district and county agricultural planning committees with respect to the acreages of various crops and groups of crops which should be grown in each county in order to promote soil conservation.

The Agricultural Adjustment Administration with the assistance of the State committee may establish county goals for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and prevent erosion.

Sec. 2. Goals for Individual Farms. - (a) The county committee in accordance with applicable instructions shall establish for each farm a total soil-depleting crop goal and where applicable goals for cotton and tobacco. The soil-depleting goal for any farm shall represent the farm's equitable share of the county goal taking into consideration good soil management, the tillable acreage on the farm, the type of soil, topography, production facilities, the crop rotation system, the acreage of such crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm 1/.

If the acreage of cotton planted on any farm in 1938 is less than 80 percent of the cotton goal established for that farm, the cotton goal for 1938 shall be reduced to 125 percent of the planted acreage of cotton, unless the county committee finds that the failure to plant 80 percent of the acreage in the cotton goal was due to flood or drought.

The soil-depleting goals for all farms in the county shall not exceed such goals as shall be established for the county by the Agricultural Adjustment Administration, and the sum of the goals for farms furnishing required forms and information shall not exceed their proportionate share of the county goals.

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1/ The cotton goal for any farm shall not exceed 50 percent of the cropland in the farm.

(b) The county committee shall establish for each farm a soil-conserving acreage which shall be the acreage of cropland in the farm (excluding commercial orchards and normally idle cropland) in excess of the total soil-depleting goal for the farm.

(c) The county committee shall establish for each farm a soil-building goal which shall represent the number of acres or acre equivalents of applicable practices listed in Sec. 6 to be carried out on the farm as a condition of payment. The soil-building goal for a farm, except as otherwise noted 2/, shall be the sum of the following:

(1) (i) One and one-half times the soil-conserving acreage or

(ii) On farms for which a cotton goal is established, an acreage equal to not more than the sum of the cotton and tobacco goals and not less than one-half of the sum of such goals may be used if requested by the operator. If this alternative is used, the general soil-depleting goal will not be used in computing the payment for the farm.

(2) The number of acres by which the general soil-depleting goal exceeds the total of the cotton and tobacco goals, if the general soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of general soil-depleting crops grown on the farm and such goal is used in computing the payment for the farm.

(3) The average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(4) The acreage of commercial orchards on the farm January 1, 1938.

(5) A number of acres equal to one-half the number of dollars computed for the farm (under item 7 of Sec. 3) with respect to noncrop open pasture land.

The county committee shall, insofar as practicable, establish soil-building goals for individual farms in terms of acreages or acreage equivalents of one or more specified soil-building practices which it determines are not routine farming practices on the farm but are needed on the farm in order to preserve and improve soil fertility and prevent erosion and will tend to accomplish the goals established for the county with respect to particular soil-building practices.

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2/ For any farm for which the total soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of soil-depleting crops for the farm, the soil-building goal shall be the sum of (1) a number of acres equal to one-half the number of dollars computed for the farm under Sec. 3, and (2) the soil-conserving acreage for the farm.

Sec. 3. Payment for Full Performance. - Payment will be made with respect to any farm for not exceeding the soil-depleting goal and for achieving the soil-building goal in an amount which shall be the sum of the following:

(1) \$1.50 per acre, adjusted for productivity, for each acre in the general soil-depleting goal: Provided, however, That if such goal is determined to be as large as the usual acreage of general soil-depleting crops grown on the farm, the rate shall be \$1.50 per acre, not adjusted for productivity, on the number of acres in the general soil-depleting goal in excess of the sum of the cotton and tobacco goals for the farm. The general soil-depleting goal will not be used in computing the payment with respect to farms for which all or part of the sum of the cotton and tobacco goals is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal.

(2) 2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton goal.

(3) The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco goal for each of the following types of tobacco:

(a) Burley 0.5 cents

(b) Fire-cured and dark air-cured 1.7 cents.

(4) 70 cents per acre on (a) the soil-conserving acreage, or (b) all or such portion of the sum of the cotton and tobacco goals as is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal for the farm.

(5) \$2.00 per acre of the average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(6) \$2.00 per acre of commercial orchards on the farm January 1, 1938.

(7) 25 cents per acre of fenced noncrop open pasture land, in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

Sec. 4. Payment for Partial Performance. - The payment computed for any farm, under the provisions of section 3, shall be subject to all of the following deductions which are applicable to the farm.

(1) 8.5 cents per pound of the normal yield for the farm for each acre of fire-cured and dark air-cured tobacco in excess of the fire-cured and dark air-cured tobacco goal.

(2) 5 cents per pound of the normal yield for the farm for each acre of Burley tobacco in excess of the Burley tobacco goal.

(3) \$12.00 adjusted for the productivity of the farm for each acre of soil-depleting crops in excess of the total soil-depleting crop goal for the farm less any acreage on which deductions are made pursuant to items (1), (2) and (4) of this Sec. 4.

(4) 3.6 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton goal but not in excess of 115 percent of the cotton goal and 10 cents per pound of the normal yield for the farm for each acre of cotton in excess of 115 percent of the cotton goal for the farm.

(5) \$2.00 for each acre or acre equivalent by which the soil-building goal is not reached.

Sec. 5. Soil-Depleting Crops. - Land devoted in 1938 to any of the following crops or uses, or such other similar crops and uses as are designated by the Agricultural Adjustment Administration, shall be classified as soil-depleting 3/:

(a) Land planted to the following crops for harvest in 1938:

- (1) Corn (including field corn, sweet corn, silage, and popcorn).
- (2) Grain sorghums.
- (3) Cotton.
- (4) Tobacco.
- (5) Peanuts harvested for nuts.
- (6) Broomcorn.
- (7) Mangels.
- (8) Cultivated sunflowers.
- (9) Truck and vegetable crops (including strawberries, melons, and sweetpotatoes) and their seeds.
- (10) Potatoes.
- (11) Bulbs and flowers.
- (12) Canning peas.

(b) Land planted to wheat between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or as a nurse crop, and is not harvested for grain or hay.

(c) Land planted to oats, barley, rye, buckwheat, flax, rape, or mixtures of these crops between August 1, 1937, and July 31, 1938, except:

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3/ Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

- (1) When a good stand and good growth of such crop is used as a green manure crop; or
- (2) When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.
- (d) Land planted in 1938 to sweet sorghum, Sudan grass or millet, except:
  - (1) When a good stand and good growth of such crop is used as a green manure crop; or
  - (2) When such crop is used as a cover crop or for pasture and is not harvested for grain, seed, syrup, hay or silage.
- (e) Land planted in 1938 to soybeans harvested for seed for crushing, or used in any area in any other manner determined by the Agricultural Adjustment Administration to be soil-depleting in such area.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none or more than one of such crops reach maturity and an individual crop goal is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop goal is established. If none of such crops reaches maturity and individual crop goals are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop goal is established.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be occupied by each.

Sec. 6. Soil-Building Practices. - The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted towards meeting the soil-building goal. If a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by a Federal or State agency other than the Agricultural Adjustment Administration, a proportion of the total acreage of the practice not exceeding the proportion of the total cost not furnished by the Federal or State agency may be counted towards meeting the soil-building goal.

Schedule of Soil-Building Practices

A. Each acre of the following shall be counted as one acre:

1. Maintaining until after July 1, 1938, a good stand of perennial grasses or perennial or biennial legumes, or mixtures of such grasses and legumes, seeded or established prior to 1938 on cropland on which no soil-depleting crop is planted between August 1, 1937, and July 31, 1938.
2. Seeding biennial legumes (other than those qualifying under practice B-1 below), orchard grass, or mixtures of timothy or redtop and legumes.
3. Seeding winter legumes or growing annual lespedeza.
4. Green manure crops (excluding lespedeza and crops which are counted under item 6 of this section 6) of which a good stand and good growth is plowed or disced under as green manure 4/.
5. Summer legumes grown alone and not classified as soil-depleting.
6. Growing Sudan grass, millet, or annual ryegrass, provided a good growth is attained, and the crop is not harvested for grain, seed, or hay, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.
7. Growing sweet sorghums, provided a good growth is attained, the crop is not pastured or harvested for grain, seed, or forage, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.

B. Each acre of the following shall be counted as one and one-half acres:

1. Seeding approved 5/ domestic or Canadian red clover except in mixtures.

4/ A good stand and good growth of rye in any case and other crops in orchards or on commercial vegetable or potato land may be left on the land as a temporary mulch.

5/ Seed to be approved by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration. In areas where practice B-1 is used similar approval with respect to alfalfa seed under practice C-1 shall also be required.

C. Each acre of the following shall be counted as two acres:

1. Seeding perennial legumes; perennial grasses other than timothy, redtop, and orchard grass; or mixtures of legumes and perennial grasses other than timothy and redtop.
2. Improving a stand of forest trees under such approved system of farm woodland management as is specified by the regional director.

D. Each acre of the following shall be counted as five acres:

1. Planting forest trees (including shrubs in protective plantings).

E. Each acre of the following shall be counted as one-half acre:

1. Summer legumes not classified as soil-depleting, if interplanted or grown in combination with soil-depleting crops.
2. Seeding timothy or redtop.

F. Each acre of the following practices in the amounts specified shall be counted as one acre 6/:

1. Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.
2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.
3. Application of 500 pounds of basic slag or rock (including colloidal) phosphate to, or in connection with

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6/ When the materials specified in items 1, 2, or 3 are applied to perennial or biennial legumes, perennial grasses, winter legumes, lespedeza or crotalaria, in connection with a soil-depleting crop, only one-half of the material applied shall be counted.

the scodding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.

4. Construction of 200 linear feet of standard terrace for which proper outlots are provided.
5. Reseeding depleted pastures with good seed of adapted pasture grasses or grasses and legumes - 10 pounds of seed.
6. Contour ridging of noncrop open pasture land - 750 linear feet of ridge or terrace.
7. Application of 2000 pounds of ground limestone (or its equivalent <sup>7/</sup>) when applied at a rate not less than 1000 pounds per acre.
8. Application of 1000 pounds of finely ground limestone (at least 90 percent to pass through a 30-mesh sieve and all finer particles obtained in the grinding process to be included), except to peanuts and commercial vegetables, such limestone to be applied at the rate of not less than 500 pounds nor more than 1000 pounds per acre.

Sec. 7. Materials Furnished as Grants of Aid. - Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration.

Sec. 8. Division of Payment. - The share of each interested person in the payment shall be computed on the basis of the acreage shares of each such person in the soil-depleting crops grown, or the proceeds thereto, and the soil-building practices carried out on the farm in 1938.

In computing the acreage share of each person each acre of fire-cured or dark air-cured tobacco shall be given a weight of 7; each acre of cotton or Burley tobacco, a weight of 2; each acre of other soil-depleting crops (excluding general soil-depleting crops on farms where the general soil-depleting goal is as large as the usual acreage of crops in such goal), a weight of 1; and each acre unit of

<sup>7/</sup> For purposes of this item 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

PRACTICES AND PAYOUTS

soil-building practices (excluding the growing of self-reseeded annual legumes and the maintenance of perennial grasses or perennial or biennial legumes or mixtures of such grasses and legumes and excluding soil-building practices which are carried out by the owner of a farm rented to another person for cash, standing or fixed rent, and which are not required in meeting the soil-building goal for the farm), a weight of 1. If the county committee determines that two or more persons have contributed to the carrying-out of any soil-building practice, the acreage of such practice with respect to which such persons contributed shall be divided equally among them.

If, prior to the harvest of any soil-depleting crop, there is a change in the ownership or operation of a farm and the county committee determines that both owners, or both operators, as the case may be, have contributed to performance with respect to the goal for such crop, the acreage of such crop shall be divided between them on the basis of such contribution to performance by agreement in writing, or in the absence of such agreement, by determination of the county committee. Any deductions incurred pursuant to the provisions of Sec. 4 shall be made pro rata from the items making up the maximum payment with respect to the farm.

Sec. 9. Association Membership and Deduction for Expenses. - Any person who previously has not, in accordance with the Articles of Association, become a member of the county agricultural conservation association of the county in which his farm or farms are located shall become a member thereof by signing an application under which a payment can be made with respect to any such farm. Any person shall cease to be a member of the association when it becomes evident that he cannot qualify for a payment in the county in connection with the 1938 Agricultural Conservation Program.

There shall be deducted pro rata from the payments made to members of each county agricultural conservation association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each county agricultural conservation association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms estimated by the Agricultural Adjustment Administration with respect to which a payment (prior to deduction of any administrative expenses) of not more than \$20.00 will be made.

Sec. 10. Payments Restricted to Effectuation of the Purposes of the Program. - All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program (2) if, by means of any corporation, partnership, estate, or trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or wood land owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the regional director.

Sec. 11. Payments Computed and Made Without Regard to Claims. - Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 12. Changes in Leasing and Cropping Agreements and Other Devices. - If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed any other scheme or device whatsoever, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1938 Agricultural Conservation Program.

Sec. 13. Deductions Incurred on Other Farms. - If a person who makes application for payment with respect to any farm operates, rents to another person for a share of the crops produced thereon, or field-rents to other persons for cash any other farm(s) in the county, and for such other farm(s) an application under which a payment can be made is not filed and deductions computed under Sec. 4, excluding item (5), exceed the amount computed for such other farms under items (1) through (3) (excluding item (1) when the general soil-depleting goal is determined to be as large as the usual acreage of general soil-deploting crops) of Sec. 3, the payment to be made to such person shall be decreased by an amount equal to such person's share 8/ of such deductions in excess of such amount computed under Sec. 3.

The provisions of this Sec. 13 shall be extended to include farms in two or more counties in the State which any person operates, rents to another person for a share of the crops produced thereon or field-rents to other persons for cash, if the State committee finds that the acreage used for the production of any soil-deploting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1938 Agricultural Conservation Program.

Sec. 14. Rates Per Acre - General Crops. - The Secretary shall establish for each county a county rate per acre which will vary among the counties as the productivity of the cropland in the county devoted to the production of corn, wheat, oats, barley, rye, buckwheat, grain sorghums, soybeans, field beans, sorghum for syrup, potatoes, sweetpotatoes, and broomcorn varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A rate per acre shall in accordance with instructions issued by the Agricultural Adjustment Administration be established for each farm by the county

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8/ To be determined in accordance with the provisions of Sec. 8.

committee, subject to the approval of the State committee. Such rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of such other crop as does reflect the productivity of the farm may be used, provided that the rate per acre for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the rates per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The weighted average rate per acre for all farms in the county shall not exceed the county rate per acre unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county and a variation from the county rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 15. Rates Per Acre - Cotton and Tobacco. - (a) There shall be established for each county having a cotton or tobacco goal the county average rate per acre for each such crop for which a county goal is established. Such county average rate per acre shall be determined by the Agricultural Adjustment Administration on the basis of average yields in the county during the ten-year period 1927 to 1936, inclusive, or such combination of five or more years as it is determined most accurately represents the normal yield of such crop in such county. If annual county yields are not available for any crop, the yields for census years and for other years for which data on yields are available to the Agricultural Adjustment Administration and the yields established under the 1937 Agricultural Conservation Program shall be used as a basis for establishing county rates per acre.

(b) The county committee shall establish for each farm having a cotton or tobacco goal a rate per acre for each such crop for which a goal for such crop is established. Such rate per acre designated for any farm shall be based upon that yield which the county committee, acting in accordance with applicable instructions, finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of such crop. In designating the yield due consideration shall be given by the committee to the trend of yield per acre as well as the type of soil, drainage, erosion, production practices, general fertility of the land, and the yield of such crop customarily secured on the farm. The weighted average rate per acre for all farms in any county with respect to any such crop shall not exceed the county average rate per acre for such crop unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county producing such crop and a variation from the county average rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 16. Application for Payment. - (a) An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 8, a share in the payment with respect to the farm would be computed and (1) who is growing crops on such farm, is operating such farm or is renting such farm

to another person for a share of the crops grown thereon, or (2) who is the owner of such farm and participates theron in the carrying-out of soil-building practices in 1938.

(b) Payment will be made only upon application submitted through county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) When an application for payment is filed by a person with respect to a farm in a county a report (upon a prescribed form) shall be submitted covering farming operations on each other farm in the county which such person is operating, renting to another person for a share of the crops produced thereon, or field-rents to other persons for cash. Upon request by the State committee such person also shall submit a report (upon a prescribed form) covering farming operations on any farm in any other county in the State which he operates, rents to another person for a share of the crops grown thereon, or field-rents to other persons for cash.

(d) The payment with respect to any farm shall be computed on the basis of the performance under the 1938 Agricultural Conservation Program on such farm without regard to the performance on other farms, except as provided in Sec. 13. Two or more farms operated by the same person as a unit for a regular crop rotation or as a unit with respect to workstock, farm machinery, and labor, may, for the purpose of computing payments with respect thereto, be considered one farm (if all of the persons entitled to share in the payment with respect to such farms agree thereto) unless the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration, that the combining of such farms will result in payments not commensurate with performance thereon.

Sec. 17. Determination of County in Which a Farm is Located. - A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

Sec. 18. Appeals. - Any person who considers himself aggrieved by an recommendation or determination of the county committee with respect to the following matters affecting any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination: (a) eligibility to file an application for payment; (b) any soil-depleting or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after

receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision, appeal in writing to the State committee. The State committee shall within 30 days after the receipt of the appeal inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may, within 15 days thereafter, request the regional director to review the decision of the State committee.

Sec. 19. Instructions and Forms. - The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1938 Agricultural Conservation Program. Such instructions shall include provision for the rounding of fractions in connection with goals, 1938 acreages of crops and practices, and per-acre rates of payment and shall also provide for calculating the net payment to any person to the nearest whole dollar, fractions of 50 cents or less to be dropped and fractions of more than 50 cents to be considered as \$1.00.

. Sec. 20. Definitions. - For the purposes of the 1938 Agricultural Conservation Program.

SECRETARY means the Secretary of Agriculture of the United States.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

STATE COMMITTEE means the group of persons designated within any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

FARM means all adjacent or nearby farm land owned by a person (a) which is operated by one person as all or part of the land operated by such person with workstock, farm machinery, and labor substantially separate from that for any other land, or (b) all or part of which is field-rented to and operated by other persons: Provided, That in areas where cotton, tobacco, or peanuts are commonly grown on field-rented tracts (such areas to be designated by the Agricultural Adjustment Administration), land which is rented for fixed or cash rent or which is field-rented for a share of the crop by an operator from one or more persons in accordance with usual farming arrangements may be included as a part of the farm of the operator.

CROPLAND means farm land which is tilled annually or in a regular rotation but shall not include restoration land or any land which constitutes, or will constitute if such tillage is continued, an erosion hazard to the community because of the texture or slope of such land or because of climatic conditions, but shall include land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and shall include also land planted to commercial or non-commercial orchards other than abandoned orchards.

COMMERCIAL ORCHARDS means the acreage in planted fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including potatoes on farms where a potato goal is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

NONCROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING GOAL means the total soil-depleting goal established for the farm less the acreage included in each individual crop goal established for the farm.

GENERAL SOIL-DEPLETING CROPS means all soil-depleting crops other than those for which individual crop goals are established on the farm.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.



## UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

EAST CENTRAL DIVISION

## 1938 AGRICULTURAL CONSERVATION PROGRAM— TENNESSEE

The provisions of the 1938 Agricultural Conservation Program, as amended May 25, 1938, which are applicable in the State of Tennessee

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Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture April 16, 1938 (ACP-1938-9) as amended May 25, 1938, and the authority vested thereby in the Agricultural Adjustment Administration, payments and grants of aid will be made for participation in the State of Tennessee in the 1938 Agricultural Conservation Program in accordance with the provisions of this East Central Region Bulletin 201 for the State of Tennessee, and such modifications thereof or other provisions as may hereafter be made. This bulletin (ECR-201-Tennessee) includes all of the provisions of said 1938 Agricultural Conservation Program Bulletin (ACP-1938-9) as amended May 25, 1938, which are applicable to the State of Tennessee, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the East Central Division.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact. The making of

the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act as amended, and the extent of national participation. Under the provisions of section 105 of the Agricultural Adjustment Act of 1938, as amended, payments under the 1938 Agricultural Conservation Program, based on soil-depleting crops for which special acreage allotments are established, shall be made at not less than 90 percent of the rates specified in the 1938 Agricultural Conservation Program Bulletin (ACP-1938) approved October 23, 1937. The rate specified herein with respect to fire-cured and dark air-cured tobacco is 90 percent of the rate approved for such tobacco on October 23, 1937, and therefore, will not be decreased. As an adjustment for participation the rates of payment and deduction with respect to each other commodity or item of payment may be decreased, and the rates of payment and deduction with respect to any commodity or item of payment may be increased by as much as 10 percent. The provisions of the 1938 Agricultural Conservation Program are not applicable in the State of Tennessee to public domain of the United States including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture and other lands in which the beneficial ownership is in the United States.

#### **SECTION I. NATIONAL AND STATE ACREAGE ALLOTMENTS AND GOALS**

**A. National goals.**—The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

**1. The following acreage of soil-depleting crops.**

Cotton-----	27, 000, 000 to	29, 000, 000 acres.
Corn-----	94, 000, 000 to	97, 000, 000 acres.
Tobacco:		
Flue-cured-----	850, 000 to	875, 000 acres.
Burley-----	440, 000 to	460, 000 acres.
Fire-cured and dark air-cured-----	170, 000 to	180, 000 acres.
Cigar filler and binder-----	85, 000 to	90, 000 acres.
Georgia-Florida type 62-----	2, 800 to	3, 000 acres.
Potatoes-----	3, 100, 000 to	3, 300, 000 acres.
Peanuts-----	1, 500, 000 to	1, 600, 000 acres.
Rice-----	825, 000 to	875, 000 acres.
Total soil-depleting crops-----	275, 000, 000 to	290, 000, 000 acres.

**2. The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops; the restoration, insofar as is practicable, of a permanent vegetative cover on 6,000,000 acres of land unsuited to the continued production of cultivated crops; and the carrying out of soil-building practices that will preserve and improve soil fertility and prevent wind and water erosion.**

**B. National and State acreage allotments.**—National and State acreage allotments of soil-depleting crops will be determined by the Secretary.

## SECTION II. COUNTY ACREAGE ALLOTMENTS AND GOALS

**A. County acreage allotments of soil-depleting crops.**—The Agricultural Adjustment Administration with the assistance of State committees shall establish county acreage allotments for total soil-depleting crops, and for cotton, wheat, and tobacco, as hereinafter set forth. The soil-depleting acreage allotments for all counties in the State shall not exceed the applicable acreage allotment established for the State by the Secretary except as otherwise provided in this bulletin.

**1. Total soil-depleting acreage allotments.**—County acreage allotments of total soil-depleting crops shall be established by distributing the State acreage allotment to total soil-depleting crops among the counties in the State on the basis of the average acreage of soil-depleting crops grown in such counties in whichever of the periods of five or more consecutive years since 1927 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program, adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops, farms for which the general crop acreage allotment will be as large as the usual acreage of general soil-depleting crops, and the relationship of the usual acreage of individual soil-depleting crops to the 1938 acreage allotments in counties where allotments for individual soil-depleting crops are established.

**2. Cotton acreage allotments.**—(a) County acreage allotments for cotton shall be determined as follows: The State acreage allotment of cotton (less 2 percent or such smaller part thereof as the Agricultural Adjustment Administration determines shall be required in the State in making allotments to farms on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937) shall be prorated among the counties in the State on the basis of the acreage planted to cotton during the five years, 1933 to 1937, inclusive, plus, in the applicable years, the acreage diverted from the production of cotton under agricultural adjustment and conservation programs, *provided*, that there shall be added to the acreage allotment for each county so determined the number of acres, if any, required to provide an acreage allotment in such county of not less than 60 percent of the sum of (1) the acreage planted to cotton in such county in 1937, and (2) the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program.

(b) In any county where the Agricultural Adjustment Administration finds that there are one or more administrative areas which, because of differences in types, kinds, and productivity of the soil or other conditions should be treated separately in order to prevent discrimination, the county acreage allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from the production of cotton under the 1937 Agricultural Conservation Program, or, if the Agricultural Adjustment Administration determines that conditions affecting the acreage planted to cotton were not reasonably

uniform throughout the county in 1937, then on the basis of the cotton soil-depleting base acreages established under the 1937 Agricultural Conservation Program. Allotments to the farms within each such administrative area shall be made by distributing the allotment for such administrative area in the manner provided in Section III for the apportionment of cotton county acreage allotments among farms.

**3. Wheat acreage allotments.**—County acreage allotments of wheat shall be established by distributing the State acreage allotment of wheat among the counties in the State pro rata on the basis of the acreage of wheat seeded for the production of wheat during the ten years, 1928 to 1937, inclusive, plus in applicable years the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in a county in any year of such ten-year period was less than 50 percent or more than 150 percent of the average computed for the other 9 years, such year shall be eliminated in calculating the average acreage seeded for the production of wheat in such county. The average acreage seeded in any county for the production of wheat so determined shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreages diverted from the production of wheat during the years 1935, 1936, and 1937, and to the acreages so seeded and diverted during the ten-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

**4. Tobacco acreage allotments.**—County acreage allotments for each kind of tobacco shall be established by distributing the State acreage allotment of such kind of tobacco among the counties in the State on the basis of the base acreages of such kind of tobacco established for such counties under the 1937 Agricultural Conservation Program, taking into consideration allotments for small farms, trends in acreage, seed bed, and other plant diseases.

**B. County soil-building goals.**—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent erosion.

### SECTION III. FARM ACREAGE ALLOTMENTS AND GOALS

The county committee, with the assistance of other local committees in the county, shall determine acreage allotments and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for the farms in a county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration, and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.

#### A. Soil-depleting acreage allotments:

**1. Total soil-depleting acreage allotment.**—The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm, type

of soil, topography, degree of erosion, the acreage of all soil-depleting, crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm, taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

**2. Cotton allotment.**—(a) County cotton acreage allotments shall be apportioned among the farms in the county on which cotton was planted in any one of the years 1935, 1936, and 1937, in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1937 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of wheat or tobacco for market, or wheat for feeding to livestock for market except that—

(1) For any such farm with respect to which the highest acreage planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937, is five acres or less, the cotton acreage allotment for the farm shall be such highest number of acres if the county cotton acreage allotment is sufficient therefor;

(2) For any such farm with respect to which the highest number of acres planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937, is more than five acres, the allotment for the farm shall not be less than five acres if the county cotton acreage allotment is sufficient therefor;

(3) Notwithstanding the foregoing provisions of this paragraph (a), a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from the production of cotton in any of the years 1935, 1936, and 1937, was five acres or less and the number of acres required for allotments of five acres for each other farm in the county on which cotton was planted in 1935, 1936, or 1937 may be apportioned among farms in the county on which cotton was planted in 1935, 1936, or 1937, and for which the allotment otherwise provided is five acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from the production of cotton in any one of the years 1935, 1936, and 1937.

In making such allotments under clause (3) in the preceding sentence consideration shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this paragraph (a) exceed the highest number of acres planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937.

(b) In case the county allotment is insufficient to provide allotments to farms in the county, which are determined, under instructions issued by the Agricultural Adjustment Administration, to be adequate and representative in view of their past production of cotton and their tilled land, there shall be apportioned to such farms,

under instructions issued by the Agricultural Adjustment Administration, such part of a State reserve equal to 4 per cent of the State acreage allotment as is necessary to give such farms allotments in conformity with paragraph (a) which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under clauses (1) and (2) of paragraph (a).

(c) Notwithstanding the provision of paragraph (a) above the cotton acreage allotment for any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of the acreage as determined by the county committee to have been planted in cotton in 1937 and the acreage diverted from cotton production in 1937 under the agricultural conservation program provided that the cotton acreage allotment for any farm shall not be increased under this paragraph to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(d) That portion of the State acreage allotment not apportioned among the counties under Section II, subsection A, paragraph 2 (a) hereof shall be apportioned to farms in the State on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937, so as to result in comparable allotments to farms similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other physical facilities affecting the production of cotton. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotment to such farms in the county together with such substantiating data as may be required by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported.

**3. Wheat allotment.**—Acreage allotments of wheat shall be determined for farms on which wheat was seeded for harvest in one or more of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat was not seeded for harvest in any one of the three years in 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The wheat acreage allotment for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors. No allotment shall be established for any farm for which the normal production of wheat for market is less than 100 bushels.

**4. Tobacco allotment.**—Acreage allotments for each kind of tobacco shall be determined on the basis of past acreage of each kind of tobacco with due allowance for the effects of abnormal weather conditions and plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The tobacco acreage allotment for any farm on which to-

bacco was grown in one or more of the years 1934 to 1937, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors; *provided*, that special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is to be produced in 1938 for the first time since 1933 shall not exceed 75 percent of the allotment for other farms in the same community on which tobacco was produced since 1933 which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

**B. Soil-building goals.**—The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under Section IV, subsection B, with respect to the acreage of cropland with respect to which a payment of 70 cents per acre is computed, and the commercial vegetable acreage, commercial orchards, and noncrop pasture land. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**C. Posting of acreage allotments.**—All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

#### SECTION IV. PAYMENT FOR FULL PERFORMANCE

Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building goals in an amount which shall be the sum of the following:

##### A. Soil-depleting acreage allotments:

**1. Cotton.**—2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton acreage allotment; or, if the acreage planted to cotton is less than 80 percent of the cotton acreage allotment and the county committee finds that the failure to plant 80 percent of such cotton acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to cotton. The acreage planted to cotton shall be deemed to be that acreage which is seeded to cotton classified as soil-depleting.

**2. Wheat.**—12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment and the county committee finds that the failure to plant 80 percent of such wheat acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to wheat. The acreage planted to wheat shall be deemed to be that acreage which is seeded to wheat classified as soil-depleting under sub-section B of Section XIII.

**3. Tobacco.**—The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment for each of the following kinds of tobacco:

(a) Burley	0.5 cent.
(b) Fire-cured and dark air-cured	1.53 cents.

**B. Payments in connection with soil-building practices:**

(1) 70 cents per acre of cropland on the farm in excess of the sum of (1) the acreages used in computing payments with respect to the wheat acreage allotment established for the farm; and (2)  $1\frac{1}{2}$  times the acreage used in computing payments with respect to the cotton and tobacco acreage allotments established for the farm.

(2) \$1.50 per acre of the average acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(3) \$2.00 per acre of commercial orchards on the farm January 1, 1938.

(4) 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

#### SECTION V. PAYMENTS FOR PARTIAL PERFORMANCE

Payments computed for any farm under the provisions of Section IV shall be subject to all the following deductions which are applicable to the farm.

**A. Deductions for excess acreages of soil-depleting crops:**

1. **Cotton.**—5 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton acreage allotment.

2. **Fire-cured and dark air-cured tobacco.**—7.65 cents per pound of the normal yield for the farm for each acre of fire-cured and dark air-cured tobacco in excess of the fire-cured and dark air-cured tobacco acreage allotment.

3. **Burley tobacco.**—5 cents per pound of the normal yield for the farm for each acre of Burley tobacco in excess of the Burley tobacco acreage allotment.

4. **Total soil-depleting acreage allotments.**—The following applicable rate for each acre of land classified as soil-depleting in excess of the total soil-depleting acreage allotment less the acreages for which deductions are made under items 1 to 3, inclusive, of this subsection (A).

(a) 60 cents per bushel of the normal yield per acre of wheat for the farm if a payment is computed for the farm under section IV with respect to a wheat acreage allotment.

(b) \$4.00 per acre if a payment is computed for the farm under section IV with respect to a cotton or tobacco acreage allotment, but no payment is computed for the farm under section IV with respect to a wheat acreage allotment.

**B. Deductions for failure to carry out soil-building practices.**—\$1.50 for each unit by which the soil-building goal is not reached.

#### SECTION VI. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and deductions in connection with acreage allotments.**—The net payment or net deduction computed for any farm with respect to the cotton, wheat, or tobacco acreage allotments, shall

be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the cotton, wheat, or tobacco, respectively, grown on the farm in 1938.

In computing such net payments and net deductions with respect to acreage allotments, the deductions computed under section V with respect to soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 4, subsection A) shall be regarded (a) as deductions with respect to the wheat acreage allotment on farms for which a payment is computed under section IV in connection with a wheat acreage allotment; (b) as prorata deductions with respect to the payments computed under section IV in connection with crop acreage allotments on farms for which no payment is computed in connection with a wheat acreage allotment; or (c) as deductions with respect to the soil-building goal on farms for which no payment is computed under section IV in connection with crop acreage allotments, provided that any net amount of such deductions computed for such farms shall be divided equally among the landlords and tenants on the farm.

In the event that cotton, wheat, or tobacco are not harvested in 1938 on the farm, or in the event the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deductions, if any, with respect to the acreage allotment for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) had such crop(s) been harvested on the farm in 1938 or the acreage of such crop(s) had not been so reduced.

**B. Payments with respect to soil-building practices.**—The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which the county committee determines each such person contributed thereto.

**C. Proration of net deductions.**—If with respect to any farm the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons

on the farm. If, with respect to any farm the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

#### SECTION VII. INCREASE IN SMALL PAYMENTS

The total payment computed under Sections IV to VI, inclusive, for any person with respect to any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1 to \$1.99-----	\$0. 40	\$32 to \$32.99-----	\$10. 40
\$2 to \$2.99-----	. 80	\$33 to \$33.99-----	10. 60
\$3 to \$3.99-----	1. 20	\$34 to \$34.99-----	10. 80
\$4 to \$4.99-----	1. 60	\$35 to \$35.99-----	11. 00
\$5 to \$5.99-----	2. 00	\$36 to \$36.99-----	11. 20
\$6 to \$6.99-----	2. 40	\$37 to \$37.99-----	11. 40
\$7 to \$7.99-----	2. 80	\$38 to \$38.99-----	11. 60
\$8 to \$8.99-----	3. 20	\$39 to \$39.99-----	11. 80
\$9 to \$9.99-----	3. 60	\$40 to \$40.99-----	12. 00
\$10 to \$10.99-----	4. 00	\$41 to \$41.99-----	12. 10
\$11 to \$11.99-----	4. 40	\$42 to \$42.99-----	12. 20
\$12 to \$12.99-----	4. 80	\$43 to \$43.99-----	12. 30
\$13 to \$13.99-----	5. 20	\$44 to \$44.99-----	12. 40
\$14 to \$14.99-----	5. 60	\$45 to \$45.99-----	12. 50
\$15 to \$15.99-----	6. 00	\$46 to \$46.99-----	12. 60
\$16 to \$16.99-----	6. 40	\$47 to \$47.99-----	12. 70
\$17 to \$17.99-----	6. 80	\$48 to \$48.99-----	12. 80
\$18 to \$18.99-----	7. 20	\$49 to \$49.99-----	12. 90
\$19 to \$19.99-----	7. 60	\$50 to \$50.99-----	13. 00
\$20 to \$20.99-----	8. 00	\$51 to \$51.99-----	13. 10
\$21 to \$21.99-----	8. 20	\$52 to \$52.99-----	13. 20
\$22 to \$22.99-----	8. 40	\$53 to \$53.99-----	13. 30
\$23 to \$23.99-----	8. 60	\$54 to \$54.99-----	13. 40
\$24 to \$24.99-----	8. 80	\$55 to \$55.99-----	13. 50
\$25 to \$25.99-----	9. 00	\$56 to \$56.99-----	13. 60
\$26 to \$26.99-----	9. 20	\$57 to \$57.99-----	13. 70
\$27 to \$27.99-----	9. 40	\$58 to \$58.99-----	13. 80
\$28 to \$28.99-----	9. 60	\$59 to \$59.99-----	13. 90
\$29 to \$29.99-----	9. 80	\$60 to \$185.99-----	14. 00
\$30 to \$30.99-----	10. 00	\$186 to \$199.99-----	(1)
\$31 to \$31.99-----	10. 20	\$200 and over-----	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

#### SECTION VIII. DEDUCTIONS INCURRED ON OTHER FARMS

A. Other farms in the same county.—If the deductions computed under section V with respect to any farm in a county exceed

the payment for full performance on such farm computed under section IV, a landlord's or tenant's share of the amount by which such deduction exceeds such payment shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in such county.

**B. Other farms in the State.**—If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceeds the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.

#### SECTION IX. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

#### SECTION X. MATERIALS FURNISHED AS GRANTS OF AID

Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm the amount of such difference shall be repaid by him to the Secretary.

Pursuant to the provisions of this section X, triple superphosphate containing not less than 45 percent of available  $P_2O_5$  will be made available at Sheffield, Alabama; Wales, Tennessee; Baltimore, Maryland, and such other points as may be specified by the Regional Director. The deduction for such material shall be at the rate of \$1.60 for each 100 pounds of such material.

#### SECTION XI. GENERAL PROVISIONS RELATING TO PAYMENTS

**A. Payment restricted to effectuation of purposes of the program.**—All or any part of any payment which otherwise would be

made to any person under the 1938 Agricultural Conservation Program may be withheld—

(1) If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous agricultural conservation programs,

(2) If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or

(3) If, with respect to forest land or woodland owned or controlled by him, he wilfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning) or, if he clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10" for coniferous species, and approximately 14" for hardwood species except (a) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species (b) where the clearing is for needed cropland, or (c) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

If on any farm for which no wheat, cotton, or tobacco acreage allotment is established, the acreage of soil-depleting crops in 1938 is in excess of 50 acres and in excess of the total soil-depleting acreage allotment, the deduction provided in paragraph 4 (b) of subsection A of Section V shall be applicable to such farm if the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm. No payment shall be computed with respect to any farm which is idle in 1938.

**B. Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection D of this section XI) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the years

1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such a person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

**D. Assignments.**—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration, and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any preexisting indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing contained in this section XI shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

**E. Excess cotton acreage.**—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1938 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting (seeding) of cotton on

the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1938.

**F. Use of Soil-conserving crops for market.**—No payment will be made with respect to any farm unless in 1938 an acreage not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market equal to the acreage by which the normal acreage of soil-depleting crops exceeds the larger of (1) the total soil-depleting acreage allotment or (2) the acreage devoted to soil-depleting crops: *Provided*, That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed ten percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than ten percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the

term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under Section XIII hereof.

#### SECTION XII. APPLICATION FOR PAYMENT

**A. Persons eligible to file applications.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section VI a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Applications for other farms.**—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms, which he operates or rents to other persons. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

#### SECTION XIII. SOIL-DEPLETING CROPS

Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting. Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

**A. Land planted to the following crops for harvest in 1938:**

1. Corn (including field corn, silage corn, sweet corn, and popcorn).
2. Tobacco.
3. Grain sorghums.
4. Cotton. (Except when such crop fails to reach the stage of growth at which bolls are first formed).
5. Peanuts harvested for nuts.
6. Broomcorn.

7. Mangels.
8. Cultivated sunflowers.
9. Truck and vegetable crops (including strawberries, melons, and sweet-potatoes) and their seeds.
10. Potatoes.
11. Bulbs and flowers.
12. Canning peas.

B. Land planted to wheat, oats, barley, rye, flax, or mixtures of these crops between August 1, 1937, and July 31, 1938, except

1. When a good stand and good growth of such crop is used as a green manure crop; or
2. When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

C. Land planted in 1938 to buckwheat, sweet sorghums, Sudan grass, or millet, harvested for grain, seed, sirup, hay, or silage.

D. Land planted in 1938 to soybeans harvested for seed for crushing.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none of such crops reaches maturity or if more than one of such crops reach maturity and an individual crop acreage allotment is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established. If none of such crops reaches maturity and individual crop acreage allotments are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop acreage allotment is established. If two or more of such crops reach maturity and individual crop acreage allotments are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop acreage allotment is established. If two or more of such crops reach maturity, or, if none of such crops reaches maturity, and individual crop acreage allotments are not established for any of such crops, the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined, in accordance with instructions issued by the Agricultural Adjustment Administration, to be devoted to each.

In connection with determinations regarding the maturity of crops, canning peas will be deemed to have reached maturity when such crops are harvested for canning. Field corn, sweet corn, and popcorn hogged off or cut for silage, fodder, or other similar uses, will be deemed to have reached maturity.

#### SECTION XIV. SOIL-BUILDING PRACTICES

The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

If trees are purchased from a Clark-McNary Cooperative State Nursery, such purchases shall not be deemed to be paid for in whole or in part by a State or Federal agency.

#### SCHEDULE OF SOIL-BUILDING PRACTICES

**A. Each of the following practices in the amounts specified shall be counted as one unit**, provided that, when the materials specified in items 1, 2, or 3 are applied to biennial or perennial legumes, perennial grasses, winter legumes, lespedeza or crotalaria seeded or grown in connection with a soil-depleting crop, only one-half of the material applied shall be counted.

1. Application of 300 pounds of 16-percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.

For the purposes of this item 100 pounds of triple superphosphate containing not less than 45 percent of available  $P_2O_5$  shall be considered to be equivalent to 300 pounds of 16 percent superphosphate.

2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.

3. Application of 500 pounds of basic slag, rock phosphate or colloidal phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.

4. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

5. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed.

6. Application of 2,000 pounds of ground limestone (or its equivalent) when applied at a rate not less than 1,000 pounds per acre. For purposes of this item 100 pounds of ground oyster shell, 150 pounds of limestone screenings, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

7. Application of 1,000 pounds of finely ground limestone (at least 90 percent to pass through a 30-mesh sieve and all finer particles obtained in the grinding process to be included), except to peanuts and commercial vegetables, such limestone to be applied at the rate of not less than 500 pounds nor more than 1,000 pounds per acre.

**B. Each acre of the following shall be counted as one unit:**

1. Seeding kudzu, alfalfa, sericea, approved red clover, alsike clover, sweet clover, white clover, bur clover, crotalaria, bluegrass, orchard grass, reed canary grass, carpet grass, Dallis grass, vetch, Austrian winter peas, crimson clover, annual lespedeza, annual ryegrass, or mixtures of such legumes and perennial grasses other than a mixture consisting solely of timothy and redtop.

2. Green manure crops: soybeans, velvet beans, cowpeas, crimson clover, Austrian winter peas, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, or mixtures of any two or more of such crops, of which a good stand and good growth is plowed or disced under as green manure. A good stand and good growth of soybeans, velvet beans, cowpeas, sweet clover in orchards, or rye, left on the land as a temporary mulch. Summer legumes interplanted or grown in combination with soil-depleting crops and 1938 seedings of sweet clover in orchards will not be counted under this item 2.

**C. Each acre of the following shall be counted as two units:**

1. With prior approval of the county committee improving a stand of forest trees under such approved system of farm woodlot management as is specified by the Agricultural Adjustment Administration.

**D. Each acre of the following shall be counted as five units:**

1. Planting forest trees, provided such trees are protected and cultivated in accordance with good tree-culture practice.

**E. Each two acres of the following shall be counted as one unit:**

1. Summer legumes (interplanted or grown in combination with soil-depleting crops) of which a good stand and a good growth is plowed or disced under or left on the land.

2. Seeding timothy or redtop or a mixture consisting solely of timothy and redtop.

**SECTION XV. NORMAL YIELDS**

**A. Normal yields of special soil-depleting crops.**—The county committee with the assistance of other local committees in the county shall determine for each farm for which a cotton, wheat, or tobacco acreage allotment is to be established a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration.

1. **Cotton.**—(a) Where reliable records of the actual average yield of cotton per acre for the years 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields, adjusted for abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which

was or could reasonably have been expected on the farm for such five-year period.

(c) The yield determined under paragraph (b) of this subdivision 1 shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton acreage allotments established for such farm) shall conform to the county (or administrative area) average yield established by the Secretary.

**2. Wheat.**—(a) Where reliable records of the actual average yield per acre of wheat for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such ten-year periods reliable records of the actual average yield are not available or there was no actual yield because the commodity was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, types of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period. Where the productivity index most recently established for the farm in connection with the Agricultural Conservation Program is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

(c) The yields determined under paragraph (b) of this subdivision 2 shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotment established for such farms) shall conform to the county average yield established by the Secretary.

**3. Tobacco.**—(a) The normal yield of tobacco for any farm shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1938 with due consideration for type of soil, drainage, production practices, general fertility of the land and the yield of such crop customarily secured on the farm. The average yield for all farms in any county with respect to any such crop shall not exceed the county average yield for the crop established by the Secretary.

#### SECTION XVI. APPEALS

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) Eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payments; or

(d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

#### **SECTION XVII. STATE AND REGIONAL BULLETINS, INSTRUCTIONS, AND FORMS**

The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program.

#### **SECTION XVIII. DEFINITIONS**

For the purposes of the 1938 Agricultural Conservation Program:

**SECRETARY** means the Secretary of Agriculture of the United States.

**REGIONAL DIRECTOR** means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

**EAST CENTRAL REGION** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**STATE COMMITTEE** means the group of persons designated within the State of Tennessee to assist in the administration of the 1938 Agricultural Conservation Program in the State.

**COUNTY COMMITTEE** means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

**PERSON** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**FARM** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops;

*Provided*, That land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**CROPLAND** means farm land which is tilled annually or in a regular rotation, excluding commercial orchards, but including any other land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to non-commercial orchards other than abandoned orchards.

**COMMERCIAL ORCHARDS** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

**COMMERCIAL VEGETABLES** means the acreage of vegetables or truck crops (including potatoes, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

**COTTON** means cotton the staple of which is normally less than 1½ inches in length. American-Egyptian cotton, Sea Island cotton, and any other cotton the staple of which is normally 1½ inches or more in length shall be considered as a general soil-depleting crop and not as cotton in connection with the 1938 Agricultural Conservation Program.

**NONCROP OPEN PASTURE** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**LANDLORD** means a person who owns land and rents such land to another person or operates such land.

**SHARECROPPER** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**TENANT** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

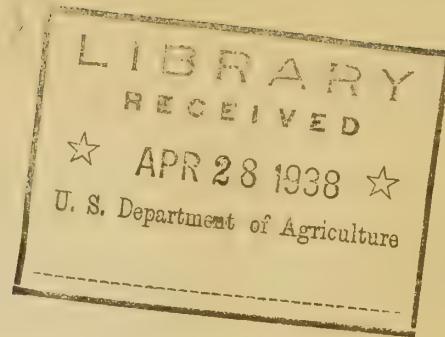
**ANIMAL UNIT** means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.







UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION



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## 1938 AGRICULTURAL CONSERVATION PROGRAM - VIRGINIA

A tentative compilation of the provisions of the 1938 Agricultural Conservation Program applicable in the State of Virginia

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## 1938 AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7(a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in payments made because of the extent of participation in the program is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are applicable in the State of Virginia, excluding counties for which special programs under said Act are approved for 1938 by the Secretary; and public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Section 1. National, State, and County Goals. - (a) The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

(1) The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops, and the carrying out of such soil-building practices as will preserve and improve the soil fertility and prevent erosion.

(2) The following acreages of soil-depleting crops:

Cotton	27,000,000 to 29,000,000 acres
Corn	92,000,000 to 96,000,000 acres
Tobacco	
Flue-cured	350,000 to 900,000 acres
Burley	480,000 to 500,000 acres
Fire-cured and dark air-cured	170,000 to 180,000 acres
Cigar filler and binder	85,000 to 90,000 acres
Georgia-Florida Type 62	2,800 to 3,000 acres
Potatoes	3,100,000 to 3,300,000 acres
Peanuts	1,500,000 to 1,600,000 acres
Rice	825,000 to 875,000 acres
Other soil-depleting crops	145,000,000 to 155,000,000 acres
Total soil-depleting crops	273,000,000 to 288,000,000 acres.

(b) State goals for total soil-depleting crops and for individual soil-depleting crops where applicable shall be established by the Agricultural Adjustment Administration on the basis of the average acreage of the various soil-depleting crops grown in each State in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program, taking into consideration trends in acreage, the acreage of food and feed crops required for home consumption, and farms for which goals may be established as large as the usual acreage of crops grown thereon. The total of the State goals for any crop or group of crops shall not be less

than the minimum acreage nor more than the maximum acreage specified as the national goal for such crop or group of crops in subsection (a).

(c) The Agricultural Adjustment Administration with the assistance of State committees shall establish county goals for total soil-depleting crops and where applicable for individual soil-depleting crops. County goals for cotton and tobacco shall be established for each county where such crops are grown commercially. County goals for potatoes shall be established in the counties of Accomac, Elizabeth City, Gloucester, Hanover, Isle of Wight, James City, Mathews, Middlesex, Nansemond, Norfolk, Northampton, Princess Anne, Warwick and York. County goals for peanuts shall be established in the counties of Brunswick, Chesterfield, Dinwiddie, Greensville, Isle of Wight, Mecklenburg, Nansemond, Norfolk, Prince George, Southampton, Surry and Sussex. In establishing county goals the State goal shall be equitably distributed among the counties on the basis of the average acreage grown in such counties in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program adjusted where necessary for farms for which provision was not made in 1937, taking into consideration trends in acreage, farms for which goals may be established as large as the usual acreage of crops grown theretofore, and recommendations of district and county agricultural planning committees with respect to the acreages of various crops and groups of crops which should be grown in each county in order to promote soil conservation.

The Agricultural Adjustment Administration with the assistance of the State committee may establish county goals for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and prevent erosion.

Sec. 2. Goals for Individual Farms. - (a) The county committee in accordance with applicable instructions shall establish for each farm a total soil-depleting crop goal and where applicable goals for cotton, tobacco, peanuts and potatoes. The soil-depleting goal for any farm shall represent the farm's equitable share of the county goal taking into consideration good soil management, the tillable acreage on the farm, the type of soil, topography, production facilities, the crop rotation system, the acreage of such crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm. 1/

If the acreage of cotton planted on any farm in 1938 is less than 80 percent of the cotton goal established for that farm, the cotton goal for 1938 shall be reduced to 125 percent of the planted acreage of cotton unless the county committee finds that the failure to plant 80 percent of the acreage in the cotton goal was due to flood or drought.

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1/ A potato goal will not be established for any farm for which the acreage of land normally planted to potatoes is determined to be less than three acres. The cotton goal for any farm shall not exceed 50 percent of the cropland in the farm.

The soil-depleting goals for all farms in the county shall not exceed such goals as shall be established for the county by the Agricultural Adjustment Administration, and the sum of the goals for farms furnishing required forms and information shall not exceed their proportionate share of the county goals.

(b) The county committee shall establish for each farm a soil-conserving acreage which shall be the acreage of cropland in the farm (excluding commercial orchards and normally idle cropland) in excess of the total soil-depleting goal for the farm.

(c) The county committee shall establish for each farm a soil-building goal which shall represent the number of acres or acre equivalents of applicable practices listed in Sec. 6 to be carried out on the farm as a condition of payment. The soil-building goal for a farm, except as otherwise noted 2/, shall be the sum of the following:

(1) (i) One and one-half times the soil-conserving acreage or.

(ii) On farms for which cotton, flue-cured tobacco, or peanut goals are established, an acreage equal to not more than the sum of the cotton, tobacco, peanut and potato goals and not less than one-half of the sum of such goals may be used if requested by the operator. If this alternative is used, the general soil-depleting goal will not be used in computing the payment for the farm.

(2) The number of acres by which the general soil-depleting goal exceeds the total of the cotton, tobacco, peanut, and potato goals, if the general soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of general soil-depleting crops grown on the farm and such goal is used in computing the payment for the farm.

(3) The average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(4) The acreage of commercial orchards on the farm January 1, 1938.

(5) A number of acres equal to one-half the number of dollars computed for the farm (under item 9 of Sec. 3) with respect to noncrop open pasture land.

The county committee shall, insofar as practicable, establish soil-building goals for individual farms in terms of acreages or acreage equivalents of one or more specified soil-building practices which it determines are not routine farming practices on the farm but are needed on the farm in order to preserve and improve soil fertility and prevent erosion and will tend to accomplish the goals established for the county with respect to particular soil-building practices.

2/ For any farm for which the total soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of soil-depleting crops for the farm, the soil-building goal shall be the sum of (1) a number of acres equal to one-half the number of dollars computed for the farm under Sec. 3, and (2) the soil-conserving acreage for the farm.

Sec. 3. Payment for Full Performance. - Payment will be made with respect to any farm for not exceeding the soil-depleting goal and for achieving the soil-building goal in an amount which shall be the sum of the following:

(1) \$1.50 per acre, adjusted for productivity, for each acre in the general soil-depleting goal: Provided, however, That if such goal is determined to be as large as the usual acreage of general soil-depleting crops grown on the farm, the rate shall be \$1.50 per acre, not adjusted for productivity, on the number of acres in the general soil-depleting goal in excess of the sum of the cotton, tobacco, peanut, and potato goals for the farm. The general soil-depleting goal will not be used in computing the payment with respect to farms for which all or part of the sum of the cotton, tobacco, peanut, and potato goals is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal.

(2) 2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton goal.

(3) The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco goal for each of the following types of tobacco:

(a)	Burley	0.5 cents
(b)	Flue-cured	1.0 cents
(c)	Fire-cured and dark air-cured	1.7 cents.

(4) 0.2 of a cent per pound of the normal yield per acre of peanuts for the farm for each acre in the peanut goal.

(5) 6 cents per bushel of the normal yield per acre of potatoes for the farm for each acre of potatoes planted on the farm in 1938, not in excess of the potato goal.

(6) 70 cents per acre on (a) the soil-conserving acreage, or (b) all or such portion of the sum of the cotton, tobacco, peanut, and potato goals as is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal for the farm.

(7) \$2.00 per acre of the average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(8) \$2.00 per acre of commercial orchards on the farm January 1, 1938.

(9) 25 cents per acre of fenced noncrop open pasture land, in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

Sec. 4. Payment for Partial Performance. - The payment computed for any farm, under the provisions of section 3, shall be subject to all of the following deductions which are applicable to the farm.

(1) 8.5 cents per pound of the normal yield for the farm for each acre of fire-cured and dark air-cured tobacco in excess of the fire-cured and dark air-cured tobacco goal.

(2) 10 cents per pound of the normal yield for the farm for each acre of flue-cured tobacco in excess of the flue-cured tobacco goal.

(3) 5 cents per pound of the normal yield for the farm for each acre of Burley tobacco in excess of the Burley tobacco goal.

(4) 60 cents per bushel of the normal yield for the farm for each acre of potatoes in excess of the potato goal, or on farms for which potato goals are not established in Accomac, Elizabeth City, Gloucester, Hanover, Isle of Wight, James City, Mathews, Middlesex, Nansesmond, Norfolk, Northampton, Princess Anne, Warwick, and York counties for each acre by which the acreage of potatoes exceeds 3 acres.

(5) 2 cents per pound of the normal yield for the farm for each acre of peanuts in excess of the peanut goal.

(6) \$12.00 varied by the productivity of the farm for each acre of soil-depleting crops in excess of the total soil-depleting crop goal for the farm less any acreage on which deductions are made pursuant to items (1), (2), (3), (4), (5) and (7) of this Sec. 4.

(7) 3.6 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton goal but not in excess of 115 percent of the cotton goal and 10 cents per pound of the normal yield for the farm for each acre of cotton in excess of 115 percent of the cotton goal for the farm.

(8) \$2.00 for each acre or acre equivalent by which the soil-building goal is not reached.

(9) In Accomac, Elizabeth City, Gloucester, Hanover, Isle of Wight, James City, Mathews, Middlesex, Nansesmond, Norfolk, Northampton, Princess Anne, Warwick and York counties a deduction shall be made from the payment with respect to any farm having a potato goal, for each acre on which commercial vegetables are grown in 1938 in excess of the average acreage on which commercial vegetables were grown on the farm in 1936 and 1937 (adjusted, where necessary, for the effect of abnormal weather conditions on plantings in such years), such deduction to be at the deduction rate applicable to the farm under this Sec. 4 with respect to potatoes.

Sec. 5. Soil-Depleting Crops. - Land devoted in 1938 to any of the following crops or uses, or such other similar crops and uses as are designated by the Agricultural Adjustment Administration, shall be classified as soil-depleting 3/:

(a) Land planted to the following crops for harvest in 1938:

3/ Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

- (1) Corn (including field corn, sweet corn, silage, and popcorn, but excluding sown corn used as a cover crop or green manure crop).
- (2) Cotton.
- (3) Tobacco.
- (4) Peanuts harvested for nuts.
- (5) Broomcorn.
- (6) Mangels.
- (7) Cultivated sunflowers.
- (8) Truck and vegetable crops (including strawberries, melons, and sweetpotatoes) and their seeds.
- (9) Potatoes.
- (10) Bulbs and flowers.
- (11) Field beans.
- (12) Canning peas.

(b) Land planted to wheat between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or as a nurse crop and is not harvested for grain or hay.

(c) Land planted to oats, barley, rye, buckwheat, flax, rape, or mixtures of these crops between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

(d) Land planted in 1938 to sweet sorghum, Sudan grass, millet, or sown corn, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or for pasture and is not harvested for grain, seed, syrup, hay or silage.

(e) Land planted in 1938 to soybeans harvested for seed for crushing.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none or more than one of such crops reach maturity and an individual crop goal is established for only one of such crops, such land shall

be regarded as devoted to the crop for which an individual crop goal is established. If none of such crops reaches maturity and individual crop goals are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop goal is established. If two or more of such crops reach maturity and individual crop goals are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop goal is established.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be occupied by each.

Sec. 6. Soil-Building Practices. - The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted towards meeting the soil-building goal. If a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by a Federal or State agency other than the Agricultural Adjustment Administration, a proportion of the total acreage of the practice not exceeding the proportion of the total cost not furnished by the Federal or State agency may be counted towards meeting the soil-building goal.

Schedule of Soil-Building Practices.

A. Each acre of the following shall be counted as one acre:

1. Maintaining until after July 1, 1938, a good stand of perennial grasses or perennial or biennial legumes, or mixtures of such grasses and legumes, seeded or established prior to 1938 on cropland on which no soil-depleting crop is planted between August 1, 1937, and July 31, 1938.
2. Seeding biennial legumes (other than those qualifying under practice B-1 below), orchard grass, or mixtures of timothy or redtop and legumes.
3. Seeding winter legumes or growing annual lespedeza.
4. Green manure crops (excluding lespedeza and crops which are counted under items 6 or 7 of this section 6) of which a good stand and good growth is plowed or disced under as green manure 4/.

4/ A good stand and good growth of rye in any case and other crops in orchards or on commercial vegetable or potato land may be left on the land as a temporary mulch.

5. Summer legumes grown alone and not classified as soil-depleting.
  6. Growing Sudan grass, millet, or annual ryegrass, provided a good growth is attained, and the crop is not harvested for grain, seed, or hay, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.
  7. Growing sweet sorghums, or sown corn, provided a good growth is attained, the crop is not pastured or harvested for grain seed or forage, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.
- B. Each acre of the following shall be counted as one and one-half acres:
1. Seeding approved 5/ domestic or Canadian red clover except in mixtures.
- C. Each acre of the following shall be counted as two acres:
1. Seeding perennial legumes; perennial grasses other than timothy, redtop, and orchard grass; or mixtures of legumes and perennial grasses other than timothy and redtop.
  2. Improving a stand of forest trees under such approved system of farm woodland management as is specified by the regional director.
- D. Each acre of the following shall be counted as five acres:
1. Planting forest trees (including shrubs in protective plantings).
- E. Each acre of the following shall be counted as one-half acre:
1. Summer legumes not classified as soil-depleting, if interplanted or grown in combination with soil-depleting crops.
  2. Seeding timothy or redtop.
- F. Each of the following practices in the amounts specified shall be

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5/ Seed to be approved by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration. In areas where practice B-1 is used similar approval with respect to alfalfa seed under practice C-1 shall also be required.

counted as one acre 6/.

1. Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.
2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.
3. Application of 500 pounds of basic slag or rock (including colloidal) phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.
4. Construction of 200 linear foot of standard terrace for which proper outlets are provided.
5. Reseeding depleted pastures with good seed of adapted pasture grasses or grasses and legumes  $\geq$  10 pounds of seed.
6. Contour ridging of noncrop open pasture land - 750 linear feet of ridge or terrace.
7. Application of the following quantities of ground limestone (or its equivalent 7/) when applied at a rate not less than 1000 pounds per acre:

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6/ When the materials specified in items 1, 2, or 3 are applied to perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or crotalaria in connection with a soil-depleting crop, only one-half of the material applied shall be counted.

7/ For purposes of this item 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

2000 pounds in the counties of Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buckingham, Campbell, Carroll, Charlotte, Chesterfield, Craig, Cumberland, Floyd, Fluvanna, Franklin, Giles, Goochland, Grayson, Halifax, Hanover, Henrico, Henry, Lee, Louisa, Montgomery, Nelson, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Pulaski, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Spotsylvania, Stafford, Tazewell, Washington, Wise and Wythe.

1500 pounds in the counties of Amelia, Arlington, Brunswick, Buchanan, Caroline, Charles City, Clarke, Culpeper, Dickenson, Dinwiddie, Elizabeth City, Fairfax, Fauquier, Frederick, Greene, Greensville, Highland, Isle of Wight, James City, King George, Loudon, Lunenburg, Madison, Mocklenburg, Nansemond, New Kent, Norfolk, Nottoway, Page, Prince George, Prince William, Princess Anne, Rappahannock, Southampton, Surry, Sussex, Warren, Warwick and York.

1000 pounds in the counties of Accomac, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond and Westmoreland.

8. Application of 1,000 pounds of finely ground limestone (at least 90 percent to pass through a 30-mesh sieve and all finer particles obtained in the grinding process to be included), except to peanuts and commercial vegetables, such limestone to be applied at the rate of not less than 500 pounds nor more than 1000 pounds per acre.

Sec. 7. Materials Furnished as Grants of Aid. - Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration.

Sec. 8. Division of Payment. - The share of each interested person in the payment shall be computed on the basis of the acreage shares of each such person in the soil-depleting crops grown, or the proceeds thereof, and the soil-building practices carried out on the farm in 1938.

In computing the acreage share of each person each acre of fire-cured or dark air-cured tobacco shall be given a weight of 7; each acre of flue-cured tobacco, a weight of 4; each acre of potatoes (planted on the farms for which potato goals are established), a weight of 3; each acre of cotton or Burley tobacco, a weight of 2; each acre of other soil-depleting crops (excluding general soil-depleting crops on farms where the general soil-depleting goal is as large as the usual acreage of crops in such goal), a weight of 1; and each acre unit of soil-building practices (excluding the growing of self-reseeded annual legumes and the maintenance of perennial grasses or perennial or biennial legumes or mixtures of such grasses and legumes and excluding soil-building practices which are carried out by the owner of a farm rented to another person for cash, standing or fixed rent, and which are not required in meeting the soil-building goal for the farm), a weight of 1. If the county committee determines that two or more persons have contributed to the carrying-out of any soil-building practice, the acreage of such practice with respect to which such persons contributed shall be divided equally among them.

If, prior to the harvest of any soil-depleting crop, there is a change in the ownership or operation of a farm and the county committee determines that both owners, or both operators, as the case may be, have contributed to performance with respect to the goal for such crop, the acreage of such crop shall be divided between them on the basis of such contribution to performance by agreement in writing, or in the absence of such agreement, by determination of the county committee. Any deductions incurred pursuant to the provisions of Sec. 4 shall be made pro rata from the items making up the maximum payment with respect to the farm.

Sec. 9. Association Membership and Deduction for Expenses. - Any person who previously has not, in accordance with the Articles of Association, become a member of the county agricultural conservation association of the county in which his farm or farms are located shall become a member thereof by signing an application under which a payment can be made with respect to any such farm. Any person shall cease to be a member of the association when it becomes evident that he cannot qualify for a payment in the county in connection with the 1938 Agricultural Conservation Program.

There shall be deducted pro rata from the payments made to members of each county agricultural conservation association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each county agricultural conservation association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms estimated by the Agricultural Adjustment Administration with respect to which a payment (prior to deduction of any administrative expenses) of not more than \$20.00 will be made.

Sec. 10. Payments Restricted to Effectuation of the Purposes of the Program. - All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld, (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the regional director.

Sec. 11. Payments Computed and Made Without Regard to Claims. - Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 12. Changes in Leasing and Cropping Agreements and Other Devices. - If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed any other scheme or device whatsoever, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1938 Agricultural Conservation Program.

Sec. 13. Deductions Incurred on Other Farms. - If a person who makes application for payment with respect to any farm operates, rents to another person for a share of the crops produced thereon, or field-rents to other persons for cash any other farm(s) in the county, and for such other farm(s) an application under which a payment can be made is not filed and deductions computed under Sec. 4, excluding item (8), exceed the amount computed for such other farms under items (1) through (5) (excluding item (1) when the general soil-depleting goal is determined to be as large as the usual acreage of general soil-depleting crops) of Sec. 3, the payment to be made to such person shall be decreased by an amount equal to such person's share 8/ of such deductions in excess of such amount computed under Sec. 3.

The provisions of this Sec. 13 shall be extended to include farms in two or more counties in the State which any person operates, rents to another person for a share of the crops produced thereon or field-rents to other persons for cash, if the State committee finds that the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1938 Agricultural Conservation Program.

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8/ To be determined in accordance with the provisions of Sec. 8.

Sec. 14. Rates Per Acre - General Crops. - The Secretary shall establish for each county a rate per acre which will vary among the counties as the productivity of the cropland in the county devoted to the production of corn, wheat, oats, barley, rye, buckwheat, grain sorghums, soybeans, field beans, sorghum for syrup, potatoes (except in counties in which potato goals are established), sweet potatoes, and broomcorn varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A rate per acre shall in accordance with instructions issued by the Agricultural Adjustment Administration be established for each farm by the county committee, subject to the approval of the State committee. Such rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of such other crop as does reflect the productivity of the farm may be used, provided that the rate per acre for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the rates per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The weighted average rate per acre for all farms in the county shall not exceed the county rate per acre, unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county and a variation from the county rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 15. Rates Per Acre - Cotton, Tobacco, Peanuts and Potatoes. (a) There shall be established for each county having a cotton, tobacco, peanut, or potato goal the county average rate per acre for each such crop for which a county goal is established. Such county average rate per acre shall be determined by the Agricultural Adjustment Administration on the basis of average yields in the county during the ten-year period 1927 to 1936, inclusive, or such combination of five or more years as it is determined most accurately represents the normal yield of such crop in such county. If annual county yields are not available for any crop, the yields for census years and for other years for which data on yields are available to the Agricultural Adjustment Administration and the yields established under the 1937 Agricultural Conservation Program shall be used as a basis for establishing county rates per acre.

(b) The county committee shall establish for each farm having a cotton, tobacco, peanut or potato goal a rate per acre for each such crop for which a goal for such crop is established. Such rate per acre designated for any farm shall be based upon that yield which the county committee, acting in accordance with applicable instructions, finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of such crop. In designating the yield due consideration shall be given by the committee to the trend of yield per acre as well as the type of soil, drainage, erosion, production practices, general fertility of the land, and the yield of such crops customarily secured on the farm. The weighted average rate per acre for all farms in any county with respect to any such crop shall not exceed the county average rate per acre for such crop unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county producing such crop and a variation from the county average rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 16. Application for Payment. - (a) An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 8, a share in the payment with respect to the farm would be computed and (1) who is growing crops on such farm, is operating such farm or is renting such farm to another person for a share of the crops grown thereon, or (2) who is the owner of such farm and participates thereon in the carrying-out of soil-building practices in 1938.

(b) Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown theron, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) When an application for payment is filed by a person with respect to a farm in a county a report (upon a prescribed form) shall be submitted covering farming operations on each other farm in the county which such person is operating, renting to another person for a share of the crops produced thereon, or field-rents to other persons for cash. Upon request by the State committee such person also shall submit a report (upon a prescribed form) covering farming operations on any farm in any other county in the State which he operates, rents to another person for a share of the crops grown thereon, or field-rents to other persons for cash.

(d) The payment with respect to any farm shall be computed on the basis of the performance under the 1938 Agricultural Conservation Program on such farm without regard to the performance on other farms, except as provided in Sec. 13. Two or more farms operated by the same person as a unit for a regular crop rotation or as a unit with respect to workstock, farm machinery, and labor, may, for the purpose of computing payments with respect thereto, be considered one farm (if all of the persons entitled to share in the payment with respect to such farms agree thereto) unless the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration, that the combining of such farms will result in payments not commensurate with performance theron.

Sec. 17. Determination of County in Which a Farm is Located. - A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

Sec. 18. Appeals. Any person who considers himself aggrieved by an recommendation or determination of the county committee with respect to the following matters affecting any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him request the county committee

in writing to reconsider its recommendation or determination: (a) eligibility to file an application for payment; (b) any soil-depleting or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision, appeal in writing to the State committee. The State committee shall within 30 days after the receipt of the appeal inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may, within 15 days thereafter, request the regional director to review the decision of the State committee.

Sec. 19. Instructions and Forms. - The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1938 Agricultural Conservation Program. Such instructions shall include provision for the rounding of fractions in connection with goals, 1938 acreages of crops and practices, and per-acre rates of payment and shall also provide for calculating the net payment to any person to the nearest whole dollar, fractions of 50 cents or less to be dropped and fractions of more than 50 cents to be considered as \$1.00.

Sec. 20. Definitions. - For the purposes of the 1938 Agricultural Conservation Program.

SECRETARY means the Secretary of Agriculture of the United States.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

STATE COMMITTEE means the group of persons designated within any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

FARM means all adjacent or nearby farm land owned by a person (a) which is operated by one person as all or part of the land operated by such person with workstock, farm machinery, and labor substantially separate from that for any other land, or (b) all or part of which is field-rented to and operated by other persons: Provided, That land which is rented for fixed or cash rent or which is field-rented for a share of the crop by an operator from one or more persons in accordance with usual farming arrangements may be included as a part of the farm of the operator.

CROPLAND means farm land which is tilled annually or in a regular rotation but shall not include any land which constitutes, or will constitute if such tillage is continued, an erosion hazard to the community because of the texture or slope of such land or because of climatic conditions, but shall include land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and shall include also land planted to commercial or non-commercial orchards other than abandoned orchards.

COMMERCIAL ORCHARDS means the acreage in planted fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

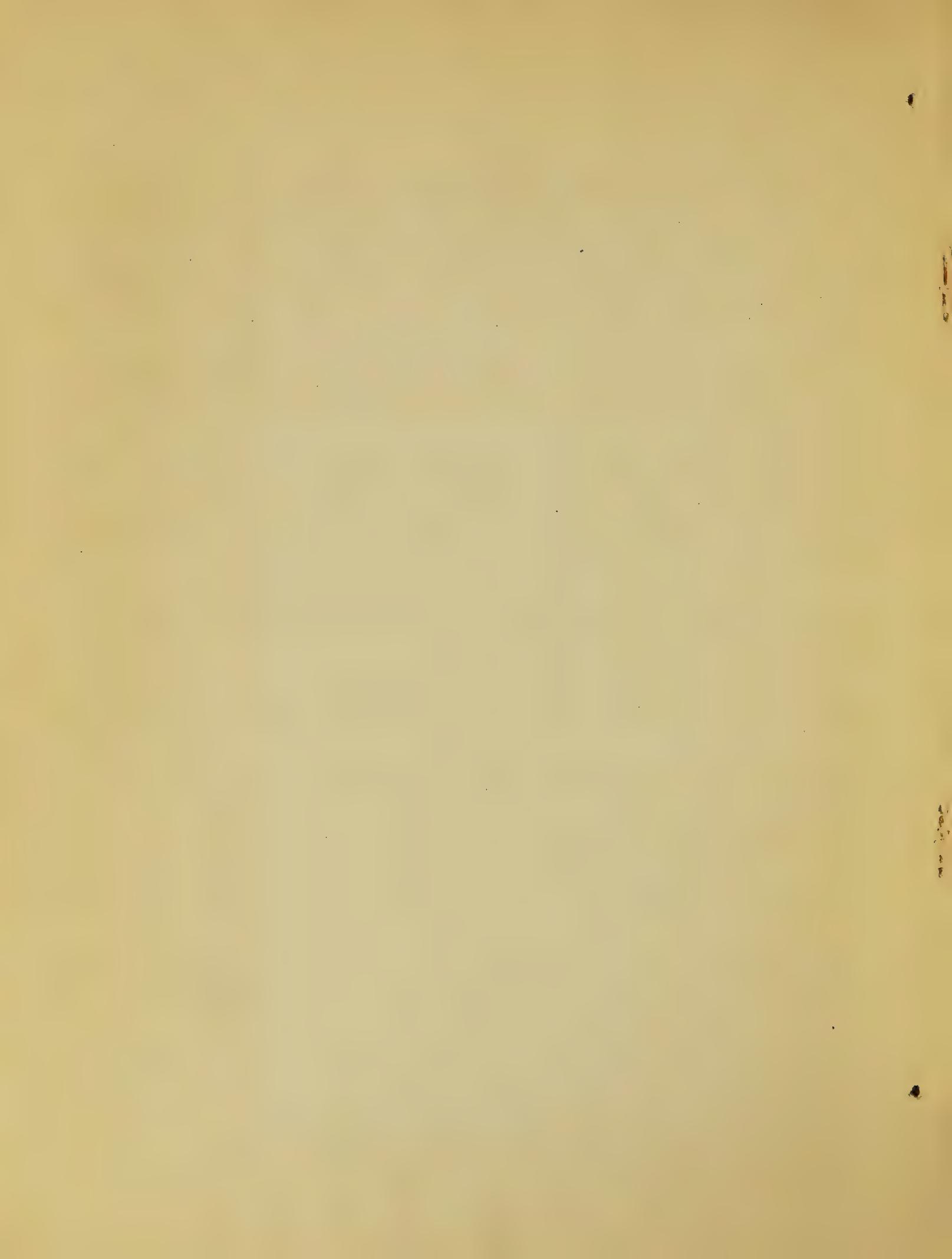
COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including potatoes on farms where a potato goal is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

NONCROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING GOAL means the total soil-depleting goal established for the farm less the acreage included in each individual crop goal established for the farm.

GENERAL SOIL-DEPLETING CROPS means all soil-depleting crops other than those for which individual crop goals are established on the farm.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.



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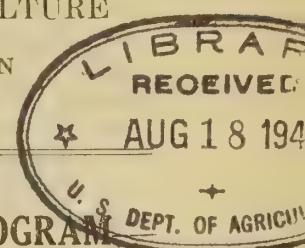
ECR-201-Va.

Issued May 25, 1938

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

EAST CENTRAL DIVISION



1938 AGRICULTURAL CONSERVATION PROGRAM  
VIRGINIA

The provisions of the 1938 Agricultural Conservation Program, as amended May 25, 1938, which are applicable in the State of Virginia

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Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture April 16, 1938 (ACP-1938-9) as amended May 25, 1938, and the authority vested thereby in the Agricultural Adjustment Administration, payments and grants of aid will be made for participation in the State of Virginia in the 1938 Agricultural Conservation Program in accordance with the provisions of this East Central Region Bulletin 201 for the State of Virginia, and such modifications thereof or other provisions as may hereafter be made. This bulletin (ECR-201-Va) includes all of the provisions of said 1938 Agricultural Conservation Program Bulletin (ACP-1938-9) as amended May 25, 1938, which are applicable to the State of Virginia, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the East Central Division.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact. The making of

the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act as amended, and the extent of national participation. Under the provisions of section 105 of the Agricultural Adjustment Act of 1938, as amended, payments under the 1938 Agricultural Conservation Program, based on soil-depleting crops for which special acreage allotments are established, shall be made at not less than 90 percent of the rates specified in the 1938 Agricultural Conservation Program Bulletin (ACP-1938) approved October 23, 1937. The rates specified herein with respect to potatoes and fire-cured and dark air-cured tobacco are 90 percent of the rates approved for these commodities on October 23, 1937, and therefore, will not be decreased. As an adjustment for participation the rates of payment and deduction with respect to each other commodity or item of payment may be decreased, and the rates of payment and deduction with respect to any commodity or item of payment may be increased by as much as 10 percent. The provisions of the 1938 Agricultural Conservation Program are not applicable in the State of Virginia to (1) counties for which special programs under the Soil Conservation and Domestic Allotment Act are approved for 1938 by the Secretary, and (2) public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture and other lands in which the beneficial ownership is in the United States.

#### **SECTION I. NATIONAL AND STATE ACREAGE ALLOTMENTS AND GOALS**

**A. National goals.**—The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

1. The following acreages of soil-depleting crops:

Cotton-----	27,000,000 to 29,000,000 acres.
Corn-----	94,000,000 to 97,000,000 acres.
Tobacco:	
Flue-cured-----	850,000 to 875,000 acres.
Burley-----	440,000 to 460,000 acres.
Fire-cured and dark air-cured-----	170,000 to 180,000 acres.
Cigar filler and binder-----	85,000 to 90,000 acres.
Georgia-Florida type 62-----	2,800 to 3,000 acres.
Potatoes-----	3,100,000 to 3,300,000 acres.
Peanuts-----	1,500,000 to 1,600,000 acres.
Rice-----	825,000 to 875,000 acres.
Total soil-depleting crops-----	275,000,000 to 290,000,000 acres.

2. The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops; the restoration, insofar as is practicable, of a permanent vegetative cover on 6,000,000 acres of land unsuited to the continued production of cultivated crops and the carrying out of soil-building practices that will preserve and improve soil fertility and prevent wind and water erosion.

**B. National and State acreage allotments.**—National and State acreage allotments of soil-depleting crops will be determined by the Secretary.

## SECTION II. COUNTY ACREAGE ALLOTMENTS AND GOALS

**A. County acreage allotments of soil-depleting crops.**—The Agricultural Adjustment Administration with the assistance of State committees shall establish county acreage allotments for total soil-depleting crops, and for cotton, wheat, tobacco, potatoes, and peanuts for market, as hereinafter set forth. The soil-depleting acreage allotments for all counties in the State shall not exceed the applicable acreage allotment established for the State by the Secretary except as otherwise provided in this bulletin.

**1. Total soil-depleting acreage allotments.**—County acreage allotments of total soil-depleting crops shall be established by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the average acreage of soil-depleting crops grown in such counties in whichever of the periods of five or more consecutive years since 1927 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program, adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops, farms for which the general crop acreage allotment will be as large as the usual acreage of general soil-depleting crops, and the relationship of the usual acreage of individual soil-depleting crops to the 1938 acreage allotments in counties where allotments for individual soil-depleting crops are established.

**2. Cotton acreage allotments.**—(a) County acreage allotments for cotton shall be determined as follows: The State acreage allotment of cotton (less 2 percent or such smaller part thereof as the Agricultural Adjustment Administration determines shall be required in the State in making allotments to farms on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937) shall be prorated among the counties in the State on the basis of the acreage planted to cotton during the five years, 1933 to 1937, inclusive, plus, in the applicable years, the acreage diverted from the production of cotton under agricultural adjustment and conservation programs, provided, that there shall be added to the acreage allotment for each county so determined the number of acres, if any, required to provide an acreage allotment in such county of not less than 60 per cent of the sum of (1) the acreage planted to cotton in such county in 1937, and (2) the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program.

(b) In any county where the Agricultural Adjustment Administration finds that there are one or more administrative areas which, because of differences in types, kinds and productivity of the soil or other conditions should be treated separately in order to prevent discrimination, the county acreage allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from the production of cotton under the 1937 Agricultural Conservation Program, or, if the Agricultural Adjustment Administra-

determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, then on the basis of the cotton soil-depleting base acreages established under the 1937 Agricultural Conservation Program. Allotments to the farms within each such administrative area shall be made by distributing the allotment for such administrative area in the manner provided in Section III for apportionment of cotton county acreage allotments among farms.

**3. Wheat acreage allotments.**—County acreage allotments of wheat shall be established by distributing the State acreage allotments of wheat among the counties in the State pro rata on the basis of the acreage of wheat seeded for the production of wheat during the ten years, 1928 to 1937, inclusive, plus in applicable years the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in a county in any year of such ten-year period was less than 50 percent or more than 150 percent of the average computed for the other nine years, such year shall be eliminated in calculating the average acreage seeded for the production of wheat in such county. The average acreage seeded in any county for the production of wheat so determined shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreage diverted from the production of wheat during the years 1935, 1936, and 1937, and to the acreages so seeded and diverted during the ten-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

**4. Tobacco acreage allotments.**—County acreage allotments for each kind of tobacco shall be established by distributing the State acreage allotment of such kind of tobacco among the counties in the State on the basis of the base acreages of such kind of tobacco established for such counties under the 1937 Agricultural Conservation Program, taking into consideration allotments for small farms, trends in acreage, seed bed, and other plant diseases.

**5. Potato acreage allotments.**—County acreage allotments of potatoes for Accomac, Elizabeth City, Gloucester, Hanover, Isle of Wight, James City, Mathews, Middlesex, Nansemond, Norfolk, Northampton, Princess Anne, Warwick, and York Counties shall be established by distributing the State acreage allotment of potatoes among such counties pro rata on the basis of the average acreage devoted to potatoes in such counties during the years 1933 to 1937 inclusive, taking into consideration trends in acreage on commercial potato-producing farms as reflected by the acreage planted to potatoes in 1937, as compared with the average acreage planted during such five-year period and also taking into consideration the acreage of potatoes on non-commercial potato-producing farms.

**6. Peanut acreage allotments.**—County acreage allotments of peanuts for market for Brunswick, Chesterfield, Dinwiddie, Greensville, Isle of Wight, Mecklenburg, Nansemond, Norfolk, Prince George, Southampton, Surry, and Sussex Counties shall be established by distributing the State acreage allotment of peanuts among

such counties in such State pro rata on the basis of the base acreages for peanuts established for such counties under the 1937 Agricultural Conservation Program, taking into consideration trends in acreage on commercial peanut-producing farms.

**B. County soil-building goals.**—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent erosion.

### SECTION III. FARM ACREAGE ALLOTMENTS AND GOALS

The county committee, with the assistance of other local committees in the county, shall determine acreage allotments, and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for the farms in a county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration, and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.

#### A. Soil-depleting acreage allotments:

**1. Total soil-depleting acreage allotment.**—The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm, taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

**2. Cotton allotment.**—(a) County cotton acreage allotments shall be apportioned among the farms in the county on which cotton was planted in any one of the years 1935, 1936, and 1937, in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1937 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of wheat or tobacco for market, or wheat for feeding to livestock for market except that

(1) For any such farm with respect to which the highest acreage planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937, is five acres or less, the cotton acreage allotment for the farm shall be such highest number of acres if the county cotton acreage allotment is sufficient therefor;

(2) For any such farm with respect to which the highest number of acres planted to cotton and diverted from the production of cotton

in any one of the three years 1935, 1936, and 1937, is more than five acres, the allotment for the farm shall not be less than five acres if the county cotton acreage allotment is sufficient therefor;

(3) Notwithstanding the foregoing provisions of this paragraph (a), a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from the production of cotton in any of the years 1935, 1936, and 1937, was five acres or less and the number of acres required for allotments of five acres for each other farm in the county on which cotton was planted in 1935, 1936, or 1937 may be apportioned among farms in the county on which cotton was planted in 1935, 1936, or 1937, and for which the allotment otherwise provided is five acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from the production of cotton in any one of the years 1935, 1936, and 1937.

In making such allotments under clause (3) in the preceding sentence consideration shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increase shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this paragraph (a) exceed the highest number of acres planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937.

(b) In case the county allotment is insufficient to provide allotments to farms in the county, which are determined, under instructions issued by the Agricultural Adjustment Administration, to be adequate and representative in view of their past production of cotton and their tilled land, there shall be apportioned to such farms, under instructions issued by the Agricultural Adjustment Administration, such part of a State reserve equal to 4 percent of the State acreage allotment as is necessary to give such farms allotments in conformity with paragraph (a) which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under clauses (1) and (2) of paragraph (a).

(c) Notwithstanding the provisions of paragraph (a) above the cotton acreage allotment for any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of the acreage as determined by the county committee to have been planted in cotton in 1937 and the acreage diverted from cotton production in 1937 under the agricultural conservation program provided that the cotton acreage allotment for any farm shall not be increased under this paragraph to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(d) That portion of the State acreage allotment not apportioned among the counties under Section II, subsection A, paragraph 2 (a) hereof shall be apportioned to farms in the State on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937, so as to result in comparable allot-

ments to farms similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other physical facilities affecting the production of cotton. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotments to such farms in the county together with such substantiating data as may be required by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported.

**3. Wheat allotment.**—Acreage allotments of wheat shall be determined for farms on which wheat was seeded for harvest in one or more of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat was not seeded for harvest in any one of the three years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The wheat acreage allotment for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors. No allotment shall be established for any farm for which the normal production of wheat for market is less than 100 bushels.

**4. Tobacco allotment.**—Acreage allotments for each kind of tobacco shall be determined on the basis of past acreage of each kind of tobacco with due allowance for the effects of abnormal weather conditions and plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The tobacco acreage allotment for any farm on which tobacco was grown in one or more of the years 1934 to 1937, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors: *provided*, that special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is to be produced in 1938 for the first time since 1933 shall not exceed 75 percent of the allotment for other farms in the same community on which tobacco was produced since 1933 which are similar with respect to land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

**5. Potato allotment.**—In the counties of Accomac, Elizabeth City, Gloucester, Hanover, Isle of Wight, James City, Mathews, Middlesex, Nansemond, Norfolk, Northampton, Princess Anne, Warwick, and York allotments shall be determined for each farm normally producing potatoes excluding farms on which the acreage normally planted to potatoes for market is determined to be less than three acres. No potato acreage allotment shall be less than three acres. Potato acreage allotments shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, production facilities, and the acreage of

potatoes customarily grown on the farm. The potato acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

**6. Peanut allotment.**—In the counties of Brunswick, Chesterfield, Dinwiddie, Greensville, Isle of Wight, Mecklenburg, Nansemond, Norfolk, Prince George, Southampton, Surry, and Sussex a peanut acreage allotment shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, and the acreage of peanuts for market customarily grown on the farm. The peanut acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

**B. Soil-building goals.**—The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under Section IV, subsection B, with respect to the acreage of cropland with respect to which a payment of 70 cents per acre is computed, and the commercial vegetable acreage, commercial orchards, and noncrop pasture land. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**C. Posting of acreage allotments.**—All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

#### SECTION IV. PAYMENT FOR FULL PERFORMANCE

Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building goals in an amount which shall be the sum of the following:

##### **A. Soil-depleting acreage allotments.**

**1. Cotton.**—2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton acreage allotments; or, if the acreage planted to cotton is less than 80 percent of the cotton acreage allotment and the county committee finds that the failure to plant 80 percent of such cotton acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to cotton. The acreage planted to cotton shall be deemed to be that acreage which is seeded to cotton classified as soil-depleting.

**2. Wheat.**—12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment and the county committee finds that the failure to

plant 80 percent of such wheat acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to wheat. The acreage planted to wheat shall be deemed to be that acreage which is seeded to wheat classified as soil-depleting under sub-section B of Section XIII.

**3. Tobacco.**—The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment for each of the following kinds of tobacco:

(a) Burley-----	0.5 cent.
(b) Flue-cured-----	1.0 cent.
(c) Fire-cured and dark air-cured-----	1.53 cents.

**4. Potatoes.**—5.4 cents per bushel of the normal yield per acre of potatoes for the farm for each acre of potatoes planted on the farm in 1938 not in excess of the potato acreage allotment. The acreage planted to potatoes shall be deemed to be that acreage which is seeded to potatoes.

**5. Peanuts.**—0.2 of a cent per pound of the normal yield per acre of peanuts for market for the farm for each acre in the peanut acreage allotment.

#### B. Payment in connection with soil-building practices:

1. 70 cents per acre of cropland on the farm in excess of the sum of (1) the acreages used in computing payments with respect to the wheat, potato, and peanut acreage allotments established for the farm; and (2)  $1\frac{1}{2}$  times the acreage used in computing payments with respect to the cotton and tobacco acreage allotments established for the farm.

2. \$1.50 per acre of the average acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

3. \$2.00 per acre of commercial orchards on the farm January 1, 1938.

4. 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

### SECTION V. PAYMENTS FOR PARTIAL PERFORMANCE

Payments computed for any farm under the provisions of Section IV shall be subject to all the following deductions which are applicable to the farm.

#### A. Deductions for excess acreages of soil-depleting crops:

**1. Cotton.**—5 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton acreage allotment.

**2. Fire-cured and dark air-cured tobacco.**—7.65 cents per pound of the normal yield for the farm for each acre of fire-cured and dark air-cured tobacco in excess of the fire-cured and dark air-cured tobacco acreage allotment.

**3. Flue-cured tobacco.**—10 cents per pound of the normal yield for the farm for each acre of flue-cured tobacco in excess of the flue-cured tobacco acreage allotment.

**4. Burley tobacco.**—5 cents per pound of the normal yield for the farm for each acre of Burley tobacco in excess of the Burley tobacco acreage allotment.

**5. Potatoes.**—54 cents per bushel of the normal yield for the farm for each acre of potatoes in excess of the potato acreage allotment, or on farms for which potato acreage allotments are not established in Accomac, Elizabeth City, Gloucester, Hanover, Isle of Wight, James City, Mathews, Middlesex, Nansemond, Norfolk, Northampton, Princess Anne, Warwick, and York Counties for each acre by which the acreage of potatoes for market exceeds 3 acres.

**6. Peanuts.**—2 cents per pound of the normal yield for the farm for each acre of peanuts for market in excess of the peanut acreage allotment.

**7. Total soil-depleting acreage allotments.**—The following applicable rate for each acre of land classified as soil-depleting in excess of the total soil-depleting acreage allotment less the acreages for which deductions are made under items 1 to 6, inclusive, of this subsection (a).

(a) 60 cents per bushel of the normal yield per acre of wheat for the farm if a payment is computed for the farm under section IV with respect to a wheat acreage allotment.

(b) \$4.00 per acre if a payment is computed for the farm under section IV with respect to a cotton, corn, tobacco, peanut, or potato acreage allotment, but no payment is computed for the farm under section IV with respect to a wheat acreage allotment.

**B. Deductions for failure to carry out soil-building practices.**—\$1.50 for each unit by which the soil-building goal is not reached.

#### SECTION VI. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and deductions in connection with acreage allotment.**—The net payment or net deduction computed for any farm with respect to the cotton, wheat, tobacco, peanut, or potato acreage allotment, shall be divided among the landlords, tenants, and share-croppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the cotton, wheat, tobacco, peanuts, or potatoes, respectively, grown on the farm in 1938.

In computing such net payments and net deductions with respect to acreage allotments, the deductions computed under section V with respect to soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 7, subsection A) shall be regarded (a) as deductions with respect to the wheat acreage allotment on farms for which a payment is computed under section IV in connection with a wheat acreage allotment; (b) as prorata deductions with respect to the payments computed under section IV in connection with crop acreage allotments on farms for which no payment is computed in connection with a wheat acreage allotment; or (c) as deductions with respect to the soil-building goal on farms for which no payment is computed under section IV in connection with crop

acreage allotments, provided that any net amount of such deductions computed for such farms shall be divided equally among the landlords and tenants on the farm.

In the event that cotton, wheat, tobacco, peanuts, or potatoes are not harvested in 1938 on the farm, or in the event the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deductions, if any, with respect to the acreage allotment for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) had such crop(s) been harvested on the farm in 1938 or the acreage of such crop(s) had not been so reduced.

**B. Payments with respect to soil-building practices.**—The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which the county committee determines each such person contributed thereto.

**C. Proration of net deductions.**—If with respect to any farm the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

#### SECTION VII. INCREASE IN SMALL PAYMENTS

The total payment computed under Sections IV to VI, inclusive, for any person with respect to any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1 to \$1.99-----	\$0.40	\$32 to \$32.99-----	10.40
\$2 to \$2.99-----	.80	\$33 to \$33.99-----	10.60
\$3 to \$3.99-----	1.20	\$34 to \$34.99-----	10.80
\$4 to \$4.99-----	1.60	\$35 to \$35.99-----	10.00
\$5 to \$5.99-----	2.00	\$36 to \$36.99-----	11.20
\$6 to \$6.99-----	2.40	\$37 to \$37.99-----	11.40
\$7 to \$7.99-----	2.80	\$38 to \$38.99-----	11.60
\$8 to \$8.99-----	3.20	\$39 to \$39.99-----	11.80
\$9 to \$9.99-----	3.60	\$40 to \$40.99-----	12.00
\$10 to \$10.99-----	4.00	\$41 to \$41.99-----	12.10
\$11 to \$11.99-----	4.40	\$42 to \$42.99-----	12.20
\$12 to \$12.99-----	4.80	\$43 to \$43.99-----	12.30
\$13 to \$13.99-----	5.20	\$44 to \$44.99-----	12.40
\$14 to \$14.99-----	5.60	\$45 to \$45.99-----	12.50
\$15 to \$15.99-----	6.00	\$46 to \$46.99-----	12.60
\$16 to \$16.99-----	6.40	\$47 to \$47.99-----	12.70
\$17 to \$17.99-----	6.80	\$48 to \$48.99-----	12.80
\$18 to \$18.99-----	7.20	\$49 to \$49.99-----	12.90
\$19 to \$19.99-----	7.60	\$50 to \$50.99-----	13.00
\$20 to \$20.99-----	8.00	\$51 to \$51.99-----	13.10
\$21 to \$21.99-----	8.20	\$52 to \$52.99-----	13.20
\$22 to \$22.99-----	8.40	\$53 to \$53.99-----	13.30
\$23 to \$23.99-----	8.60	\$54 to \$54.99-----	13.40
\$24 to \$24.99-----	8.80	\$55 to \$55.99-----	13.50
\$25 to \$25.99-----	9.00	\$56 to \$56.99-----	13.60
\$26 to \$26.99-----	9.20	\$57 to \$57.99-----	13.70
\$27 to \$27.99-----	9.40	\$58 to \$58.99-----	13.80
\$28 to \$28.99-----	9.60	\$59 to \$59.99-----	13.90
\$29 to \$29.99-----	9.80	\$60 to \$185.99-----	14.00
\$30 to \$30.99-----	10.00	\$186 to \$199.99-----	(1)
\$31 to \$31.99-----	10.20	\$200 and over-----	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

#### SECTION VIII. DEDUCTIONS INCURRED ON OTHER FARMS

**A. Other farms in the same county.**—If the deductions computed under section V with respect to any farm in a county exceed the payment for full performance on such farm computed under section IV, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in such county.

**B. Other farms in the State.**—If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceeds the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.

## SECTION IX. DEDUCTIONS FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

## SECTION X. MATERIALS FURNISHED AS GRANTS OF AID

Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm the amount of such difference shall be repaid by him to the Secretary.

Pursuant to the provisions of this section X, triple superphosphate containing not less than 45 percent of available  $P_2O_5$  will be made available at Sheffield, Alabama; Wales, Tennessee; Baltimore, Maryland, and such other points as may be specified by the Regional Director. The deduction for such material shall be at the rate of \$1.60 for each 100 pounds of such material.

## SECTION XI. GENERAL PROVISIONS RELATING TO PAYMENTS

**A. Payment restricted to effectuation of purposes of the program.**—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld—

(1) If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous agricultural conservation programs.

(2) If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or

(3) If, with respect to forest land or woodland owned or controlled by him, he wilfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burn-

ing) or, if he clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10" for coniferous species, and approximately 14" for hardwood species except (a) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (b) where the clearing is for needed cropland, or (c) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

If on any farm for which no wheat, cotton, tobacco, peanut, or potato acreage allotment is established, the acreage of soil-depleting crops in 1938 is in excess of 50 acres and in excess of the total soil-depleting acreage allotment, the deduction provided in paragraph 7 (b) of subsection A of Section V shall be applicable to such farm if the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm. No payment shall be computed with respect to any farm which is idle in 1938.

**B. Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection D of this Section XI) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in

or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

**D. Assignments.**—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration, and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any preexisting indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing contained in this Section XI shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

**E. Excess cotton acreage.**—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1938 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1938.

**F. Use of Soil-conserving crops for market.**—No payment will be made with respect to any farm unless in 1938 an acreage, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market equal to the acreage by which the normal acreage of soil-depleting crops exceeds the larger of (1) the total soil-depleting acreage allotment or (2) the acreage devoted to soil-depleting crops: *Provided*, That payment shall not be denied any farmer

for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed ten percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than ten percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under Section XIII hereof.

## SECTION XII. APPLICATION FOR PAYMENT

**A. Persons eligible to file applications.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section VI a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted

through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Applications for other farms.**—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

### SECTION XIII. SOIL-DEPLETING CROPS

Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting. Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

**A. Land planted to the following crops for harvest in 1938:**

1. Corn (including field corn, silage corn, sweet corn, and popcorn, but excluding sown corn used as a green manure crop).
2. Tobacco.
3. Cotton. (Except when such crop fails to reach the stage of growth at which bolls are first formed.)
4. Peanuts harvested for nuts.
5. Broomcorn.
6. Mangels.
7. Cultivated sunflowers.
8. Truck and vegetable crops (including strawberries, melons, and sweet-potatoes) and their seeds.
9. Potatoes.
10. Bulbs and flowers.
11. Field beans.
12. Canning peas.

**B. Land planted to wheat, oats, barley, rye, flax, or mixtures of these crops between August 1, 1937, and July 31, 1938, except**

1. When a good stand and good growth of such crop is used as a green manure crop; or
2. When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

**C. Land planted in 1938 to buckwheat, sweet sorghums, Sudan grass, or millet harvested for hay, grain, seed, sirup, or silage.**

**D. Land planted in 1938 to soybeans harvested for seed for crushing.**

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none of such crops reaches maturity or if more than one of such crops reach maturity and an individual crop acreage allotment is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established. If none of such crops reaches maturity and individual crop acreage allotments are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop acreage allotment is established. If two or more of such crops reach maturity and individual crop acreage allotments are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop acreage allotment is established. If two or more of such crops reach maturity, or if none of such crops reaches maturity, and individual crop acreage allotments are not established for any of such crops, the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined, in accordance with instructions issued by the Agricultural Adjustment Administration, to be devoted to each.

In connection with determinations regarding the maturity of crops, canning peas will be deemed to have reached maturity when such crops are harvested for canning. Field corn, sweet corn, and popcorn hogged off or cut for silage, fodder, or other similar uses, will be deemed to have reached maturity.

#### SECTION XIV. SOIL-BUILDING PRACTICES

The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

If trees are purchased from a Clark-McNary Cooperative State Nursery, such purchase shall not be deemed to be paid for in whole or in part by a State or Federal agency.

## SCHEDULE OF SOIL-BUILDING PRACTICES

**A. Each of the following practices in the amount specified shall be counted as one unit**, provided that, when the materials specified in items 1, 2, or 3 are applied to biennial or perennial legumes, perennial grasses, winter legumes, lespedeza, or crotalaria, seeded or grown in connection with a soil-depleting crop, only one-half of the material applied shall be counted.

1. Application of 300 pounds of 16-percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.

For the purposes of this item 100 pounds of triple superphosphate containing not less than 45 percent of available  $P_2O_5$  shall be considered to be equivalent to 300 pounds of 16 percent superphosphate.

2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.

3. Application of 500 pounds of basic slag, rock phosphate, or colloidal phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture.

4. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

5. Reseeding depleted pasture with good seed of adapted pasture grasses or legumes—10 pounds of seed.

6. Application of the following quantities of ground limestone (or its equivalent) when applied at a rate not less than 1,000 pounds per acre:

2,000 pounds in the counties of Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buckingham, Campbell, Carroll, Charlotte, Chesterfield, Craig, Cumberland, Floyd, Fluvanna, Franklin, Giles, Goochland, Grayson, Halifax, Hanover, Henrico, Henry, Lee, Louisa, Montgomery, Nelson, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Pulaski, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Spotsylvania, Stafford, Tazewell, Washington, Wise, and Wythe.

1,500 pounds in the counties of Amelia, Arlington, Brunswick, Buchanan, Caroline, Charles City, Clarke, Culpeper, Dickenson, Dinwiddie, Elizabeth City, Fairfax, Fauquier, Frederick, Greene, Greensville, Highland, Isle of Wight, James City, King George, Loudoun, Lunenburg, Madison, Mecklenburg, Nansemond, New Kent, Norfolk, Nottoway, Page, Prince George, Prince William, Princess Anne, Rappahannock, Southampton, Surry, Sussex, Warren, Warwick, and York.

1,000 pounds in the counties of Accomac, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, and Westmoreland.

For purposes of this item 100 pounds of ground oyster shell, 150 pounds of limestone screenings, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

7. Application of 1,000 pounds of finely ground limestone (at least 90 percent to pass through a 30-mesh sieve and all finer particles obtained in the grinding process to be included), except to peanuts, flue-cured tobacco, and commercial vegetables, such limestone to be

applied at the rate of not less than 500 pounds nor more than 1,000 pounds per acre.

**B. Each acre of the following shall be counted as one unit:**

1. Seeding kudzu, alfalfa, sericea, approved red clover, alsike clover, sweet clover, white clover, bur clover, crotalaria, bluegrass, orchard grass, reed canary grass, carpet grass, Dallis grass, vetch, Austrian winter peas, crimson clover, annual lespedeza, annual ryegrass, or mixtures of such legumes and perennial grasses other than a mixture consisting solely of timothy and redtop.

2. Green manure crops; soybeans, velvet beans, cowpeas, crimson clover, Austrian winter peas, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, sown corn, or mixtures of any two or more of such crops, of which a good stand and good growth is plowed or disced under as green manure. A good stand and good growth of soybeans, velvet beans, cowpeas, sweet clover in orchards, or rye, left on the land as a temporary mulch. Summer legumes interplanted or grown in combination with soil-depleting crops, green manure crops counted under item 2 of subsection C below, and 1938 seedings of sweet clover in orchards will not be counted under this item 2.

**C. Each acre of the following shall be counted as two units:**

1. With prior approval of the county committee improving a stand of forest trees under such approved system of farm woodlot management as is specified by the Agricultural Adjustment Administration.

2. On any farm where the average acreage of land on which commercial vegetables were grown in 1936 and 1937 exceeds 50 percent of the acreage of cropland in the farm in excess of the sum of the potato, tobacco, cotton, and peanut acreage allotments established for the farm, green manure crops, including soybeans, velvet beans, cowpeas, crimson clover, Austrian winter peas, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, sown corn, or mixtures of any two or more of such crops, of which a good stand and good growth is plowed or disced under as green manure.

**D. Each acre of the following shall be counted as five units:**

1. Planting forest trees, provided such trees are protected and cultivated in accordance with good tree-culture practice.

**E. Each two acres of the following shall be counted as one unit:**

1. Summer legumes (interplanted or grown in combination with soil-depleting crops) of which a good stand and good growth is plowed or disced under or left on the land.

2. Seeding timothy or redtop or a mixture consisting solely of timothy and redtop.

#### SECTION XV. NORMAL YIELDS

**A. Normal yields of special soil-depleting crops.**—The county committee with the assistance of other local committees in the county shall determine for each farm for which a cotton, wheat, tobacco, peanut, or potato acreage allotment is to be established a normal yield for each such crop in accordance with the provisions of this

section and instructions issued by the Agricultural Adjustment Administration.

**1. Cotton.**—(a) Where reliable records of the actual average yield of cotton per acre for the years 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, included the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such five-year period.

(c) The yields determined under paragraph (b) of this subdivision 1 shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton acreage allotments established for such farms) shall conform to the county (or administrative area) average yield established by the Secretary.

**2. Wheat.**—(a) Where reliable records of the actual average yield per acre of wheat, for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such ten-year periods reliable records of the actual average yield are not available or there was no actual yield because the commodity was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period. Where the productivity index most recently established for the farm in connection with the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

(c) The yields determined under paragraph (b) of this subdivision 2 shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotments established for such farms) shall conform to the county average yield established by the Secretary.

**3. Tobacco, peanuts, potatoes.**—(a) The normal yield of tobacco, peanuts for market, or potatoes, as the case may be, for any farms shall be the yield which may reasonably be expected from the land de-

voted to the production of the crop in 1938 with due consideration for type of soil, drainage, production practices, general fertility of the land and the yield of such crop customarily secured on the farm. The average yield for all farms in any county with respect to any such crop shall not exceed the county average yield for the crop established by the Secretary.

#### **SECTION XVI. APPEALS**

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or made available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payments; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

#### **SECTION XVII. STATE AND REGIONAL BULLETINS, INSTRUCTIONS, AND FORMS**

The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program.

#### **SECTION XVIII. DEFINITIONS**

For the purposes of the 1938 Agricultural Conservation Program:  
**SECRETARY** means the Secretary of Agriculture of the United States.

**REGIONAL DIRECTOR** means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

**EAST CENTRAL REGION** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**STATE COMMITTEE** means the group of persons designated within the State of Virginia to assist in the administration of the 1938 Agricultural Conservation Program in the State.

**COUNTY COMMITTEE** means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

**PERSON** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**FARM** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops:

*Provided*, That land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**CROPLAND** means farm land which is tilled annually or in a regular rotation, excluding commercial orchards, but including any other land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to non-commercial orchards other than abandoned orchards.

**COMMERCIAL ORCHARDS** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

**COMMERCIAL VEGETABLES** means the acreage of vegetables or truck crops (including potatoes on farms where a potato acreage allotment is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning), of which the principal part of the production was sold to persons not living on the farm.

**COTTON** means cotton the staple of which is normally less than  $1\frac{1}{2}$  inches in length. American-Egyptian cotton, Sea Island cotton, and any other cotton the staple of which is normally  $1\frac{1}{2}$  inches or more in length shall be considered as a general soil-depleting crop and not as cotton in connection with the 1938 Agricultural Conservation Program.

**PEANUTS FOR MARKET** means only those peanuts separated from the vines by mechanical means and from which the principal part of the production is sold to persons off the farm.

**NONCROP OPEN PASTURE** means pasture land (other than rotation pasture land) on which the predominant growth is forage

suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**LANDLORD** means a person who owns land and rents such land to another person or operates such land.

**SHARECROPPER** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**TENANT** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**ANIMAL UNIT** means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

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## 1938 AGRICULTURAL CONSERVATION PROGRAM - WEST VIRGINIA

The provisions of the 1938 Agricultural Conservation Program approved February 19, 1938, which are applicable in the State of West Virginia.

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## 1938 AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the provisions of the 1938 Agricultural Conservation Program, issued February 19, 1938, and the authority vested thereby in the Agricultural Adjustment Administration, payments and grants of aid will be made for participation in the State of West Virginia in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made. This bulletin includes all of the provisions of said 1938 Agricultural Conservation Program bulletin which are applicable to the State of West Virginia, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the East Central Division.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact. The making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation. Any increase or decrease in rates of payments and deductions with respect to any crop or other item of payment made because of the extent of participation in the program in connection with such crop or item of payment will not exceed ten per cent. The provisions of the 1938 Agricultural Conservation Program are not applicable in the State of West Virginia to (1) counties for which special programs under the Soil Conservation and Domestic Allotment Act are approved for 1938 by the Secretary, and (2) public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture and other lands in which the beneficial ownership is in the United States.

### Section I. National and State Acreage Allotments and Goals.

A. National goals. The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

#### 1. The following acreages of soil-depleting crops:

Cotton	26,000,000 to 27,000,000 acres
Corn	94,000,000 to 97,000,000 acres
Tobacco	
Flue-cured	850,000 to 875,000 acres
Burley	450,000 to 475,000 acres
Fire-cured & dark air-cured	170,000 to 180,000 acres
Cigar filler and binder	85,000 to 90,000 acres
Georgia-Florida Type 62	2,800 to 3,000 acres
Potatoes	3,150,000 to 3,300,000 acres
Peanuts	1,500,000 to 1,600,000 acres
Rice	825,000 to 875,000 acres
Total soil-depleting crops	275,000,000 to 290,000,000 acres.

2. The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops; the restoration, insofar as is practicable, of a permanent vegetative cover on 6,000,000 acres of land unsuited to the continued production of cultivated crops; and the carrying out of soil-building practices that will preserve and improve soil fertility and prevent wind and water erosion.

B. National and State acreage allotments and goals. National and State acreage allotments of soil-depleting crops and State restoration land goals will be determined by the Secretary.

## Section II. County Acreage Allotments and Goals.

A. County acreage allotments of soil-depleting crops. The Agricultural Adjustment Administration with the assistance of State committees shall establish county acreage allotments for total soil-depleting crops, and for wheat and tobacco as hereinafter set forth. The soil-depleting acreage allotments for all counties in the State shall not exceed the applicable acreage allotment established for the State by the Secretary except as otherwise provided in this bulletin.

1. Total soil-depleting acreage allotments. County acreage allotments of total soil-depleting crops shall be established by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the average acreage of soil-depleting crops grown in such counties in whichever of the periods of five or more consecutive years since 1927 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program, adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops, farms for which the general crop acreage allotment will be as large as the usual acreage of general soil-depleting crops, and the relationship of the usual acreage of individual soil-depleting crops to the 1938 acreage allotments in counties where allotments for individual soil-depleting crops are established.

2. Wheat acreage allotments. County acreage allotments of wheat shall be established by distributing the State acreage allotment of wheat among the counties in the State pro rata on the basis of the acreage of wheat seeded for the production of wheat during the ten years, 1928 to 1937, inclusive, plus in applicable years the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in a county in any year of such ten-year period was less than 50 per cent or more than 150 per cent of the average computed for the other nine years, such year shall be eliminated in calculating

the average acreage seeded for the production of wheat in such county. The average acreage seeded in any county for the production of wheat so determined shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreages diverted from the production of wheat during the years 1935, 1936 and 1937, and to the acreages so seeded and diverted during the ten-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

3. Tobacco acreage allotments. County acreage allotments for tobacco shall be established by distributing the State acreage allotment of tobacco among the counties in the State on the basis of the total acreage planted to tobacco in the county during the years 1933 to 1937, inclusive, plus in applicable years the acreage diverted under agricultural adjustment and conservation programs, with such adjustments as are necessary to make correction for abnormal conditions of production, for small farms, and for trends in acreage, giving due consideration to seed bed and other plant diseases during such five-year period.

B. County soil-building goals. Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent erosion.

Section III. Farm Acreage Allotments and Goals. The county committee, with the assistance of other local committees in the county, shall determine acreage allotments, and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for the farms in a county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration, and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.

A. Soil-depleting acreage allotments.

1. Total soil-depleting acreage allotment. The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm, taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

2. Wheat allotment. Acreage allotments of wheat shall be determined for farms on which wheat was seeded for harvest in one or more of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil and topography. Not more than 3 per cent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat has not been seeded for harvest in any one of the three years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil and topography. The wheat acreage allotment for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors. No allotment shall be established for any farm for which the normal production of wheat for market is less than 100 bushels.

3. Tobacco allotment. Acreage allotments of tobacco shall be determined on the basis of past acreage of tobacco with due allowance for the effects of abnormal weather conditions and plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The tobacco acreage for any farm on which tobacco was grown in one or more of the years 1934 to 1937, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors; provided, that special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is to be produced in 1938 for the first time since 1933 shall not exceed 75 per cent of the allotment for other farms in the same community on which tobacco was produced since 1933 which are similar with respect to land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

B. Soil-building goal. The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under Section IV, subsection B, with respect to the acreage of cropland with respect to which a payment of 70 cents per acre is computed, and the commercial vegetable acreage, commercial orchards, and noncrop pasture land. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

C. Posting of acreage allotments. All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

Section IV. Payment For Full Performance. Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building and restoration land goals in an amount which shall be the sum of the following:

A. Soil-depleting acreage allotments.

1. Wheat - 12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 per cent of the wheat acreage allotment and the county committee finds that the failure to plant 80 per cent of such wheat acreage allotment was not due to flood or drought, for 125 per cent of the acreage planted to wheat.

2. Tobacco - .5 cent per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment.

B. Payments in connection with soil-building practices.

1. 70 cents per acre of cropland on the farm in excess of the sum (1) of the wheat acreage allotment established for the farm; and (2) two times the tobacco acreage allotment established for the farm.

2. \$1.50 per acre of the average acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

3. \$2.00 per acre of commercial orchards on the farm January 1, 1938.

4. 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land,

Section V. Payments for Partial Performance. Payments computed for any farm under the provisions of Section IV shall be subject to all the following deductions which are applicable to the farm.

A. Deductions for excess acreages of soil-depleting crops.

1. Tobacco. 5 cents per pound of the normal yield for the farm for each acre of tobacco in excess of the tobacco acreage allotment.

2. Total soil-depleting acreage allotments. The following applicable rate for each acre of soil-depleting crops in excess of the total soil-depleting acreage allotment, less the acreages for which deductions are made under item 1 of this subsection A:

a. 96 cents per bushel of the normal yield of wheat for the farm if a wheat acreage allotment is established for the farm.

b. \$6.00 per acre if a tobacco acreage allotment but no wheat acreage allotment is established for the farm.

B. Deductions for failure to carry out soil-depleting practices. \$1.50 for each unit by which the soil-building goal is not reached.

#### Section VI. Division of Payments and Deductions.

A. Payments and deductions in connection with acreage allotments. The net payment or net deduction computed for any farm with respect to the wheat or tobacco acreage allotment shall be divided among the landlords, tenants, and share-croppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds of the wheat or tobacco crops, respectively, grown on the farm in 1938.

In computing such net payments and net deductions with respect to acreage allotments, deductions computed under Section V with respect to soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 2, subsection A) shall be regarded (a) as deductions with respect to the wheat acreage allotment on farms for which a wheat acreage allotment is established; (b) as deductions with respect to individual crop acreage allotments on farms for which a wheat acreage allotment is not established.

In the event that wheat or tobacco are not harvested in 1938 on the farm the payment, if any, with respect to the acreage allotment for such crop, shall be divided among the landlords, tenants, and share-croppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop had such crop been harvested on the farm in 1938.

B. Payments with respect to soil-building practices. The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant or sharecropper who carried out the soil-building practices. If the county committee determines that more than one

such person contributed to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which the county committee determines each such person contributed thereto.

C. Proration of Net Deductions. If with respect to any farm the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

Section VII. Increase in Small Payments. The total payment computed under Sections IV to VI, inclusive, for any person with respect to any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 per cent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of Payment computed	Increase in Payment	Amount of Payment computed	Increase in Payment
\$1.00 to 1.99	\$0.40	\$32.00 to 32.99	\$10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.00	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.40	52.00 to 52.99	13.20
22.00 to 22.99	8.80	53.00 to 53.99	13.30
23.00 to 23.99	9.20	54.00 to 54.99	13.40
24.00 to 24.99	9.60	55.00 to 55.99	13.50
25.00 to 25.99	10.00	56.00 to 56.99	13.60
26.00 to 26.99	10.40	57.00 to 57.99	13.70
27.00 to 27.99	10.80	58.00 to 58.99	13.80
28.00 to 28.99	11.20	59.00 to 59.99	13.90
29.00 to 29.99	11.60	60.00 to 185.99	14.00
30.00 to 30.99	12.00	186.00 to 191.99	Increase to 200.00
31.00 to 31.99	12.40	200.00 and over	No Increase

Section VIII. Deductions Incurred on Other Farms.

A. Other farms in the same county. If the deductions computed under Section V with respect to any farm exceed the payment for full performance on such farm computed under Section IV, any person's share of the amount by which such deductions exceed such payments shall be deducted from such person's share of the payments which would otherwise be made to him with respect to any other farms in the county.

B. Other farms in the State. If the deductions computed for any person with respect to one or more farms in a county exceed the payments computed for such person on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for such person with respect to any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farms with respect to which such deductions are computed are such as substantially to offset the contribution to the program made on such other farms.

Section IX. Deduction for Association Expenses. There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

Section X. Materials Furnished as Grants of Aid. Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm, on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm, the amount of such difference shall be repaid by him to the Secretary of Agriculture.

#### Section XI. General Provisions Relating to Payments.

A. Payments restricted to effectuation of purposes of the program. All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or wood land owned or controlled by him, he (a) wilfully burns over or allows to be burned over his wood land or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning) or, (b) clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the

stump of \_\_\_\_\_ for coniferous species, and \_\_\_\_\_ for hardwood species except where clear-cutting of undesirable species is followed by planting of forest trees of desirable species and where the clearing is for needed cropland. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

If on any farm for which no wheat or tobacco acreage allotment is established, the acreage needed to soil-depleting crops in 1938 is in excess of 50 acres and in excess of the total soil-depleting acreage allotment, the deduction provided in paragraph 2(b) of subsection A of Section V shall be applicable to such farm if the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm.

B. Payment computed and made without regard to claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection D of this Section XI) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share-tenants in 1938 is less than the average number on the farm during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproved such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

D. Assignments. Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on a form

prescribed by the Agricultural Adjustment Administration and is acknowledged by the farmer before the county agricultural extension agent and filed with such agent; (2) the farmer files with the assignment an affidavit showing that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a 1938 crop and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

E. Excess cotton acreage. Any person who has an interest in a farm in any State on which cotton is planted in 1938 and who makes application for payment with respect to any farm, shall file with such application a statement verified by affidavit that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938 under Section 344 of the Agricultural Adjustment Act of 1938 in connection with cotton marketing quotas, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment for the farm established in connection with cotton marketing quotas under Section 344 of the Agricultural Adjustment Act of 1938 and regulations issued in connection therewith shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. A person shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of his allotment is mailed to him prior to the completion of the planting of cotton on the farm unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract (s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton thereon in 1938.

F. Use of Soil-conserving crops for market. No payment will be made with respect to any farm unless in 1938 an acreage, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market equal to the acreage by which the normal acreage of soil-depleting crops exceeds the larger of (1) the total soil-depleting acreage allotment or (2) the acreage devoted to soil-depleting crops: Provided, That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or the products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed ten percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market, shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than ten percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under Section XIII hereof.

#### Section XII. Application for Payment.

**A. Persons eligible to file applications.** An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section VI a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.** Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application

for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks notice to the public shall be given of the expiration of a time limit for filing proscribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Applications for other farms. If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

Section XIII. Soil-depleting Crops. Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting. Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

A. Land planted to the following crops for harvest in 1938:

1. Corn (including field corn, silage corn, sweet corn, and popcorn, but excluding sown corn used as a green manure crop).
2. Tobacco.
3. Grain sorghums.
4. Broomcorn.
5. Truck and vegetable crops (including strawberries, melons, and sweetpotatoes) and their seeds.
6. Potatoes.
7. Bulbs and flowers.
8. Field beans.

B. Land planted to wheat, oats, barley, rye, flax, or mixtures of these crops between August 1, 1937 and July 31, 1938, except

1. When a good stand and good growth of such crop is used as a green manure crop; or

2. When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

C. Land planted in 1938 to buckwheat, sweet sorghum, Sudan grass, or millet, harvested for hay, grain, seed, sirup, or silage.

D. Land planted in 1938 to soybeans harvested for seed for crushing.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none of such crops reaches maturity or if more than one of such crops reach maturity and an individual crop acreage allotment is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established. If none of such crops reaches maturity and individual crop acreage allotments are established for two of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop acreage allotment is established. If two or more of such crops reach maturity and individual crop acreage allotments are established for two of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop acreage allotment is established. If one or more of such crops reach maturity and individual crop acreage allotments are not established for any of such crops, the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be devoted to each.

In connection with determinations regarding the maturity of crops, field corn, sweet corn, and popcorn hogged off or cut for silage, fodder or other similar uses, will be deemed to have reached maturity.

Section XIV. Soil-Building Practices. The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration

and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

If trees are purchased from a Clark-McNary Cooperative State Nursery, such purchases shall not be deemed to be paid for in whole or in part by a State or Federal agency.

Schedule of Soil-Building Practices

A. Each of the following practices in the amounts specified shall be counted as one unit, provided that, when the materials specified in items 1, 2, or 3 are applied to biennial or perennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, seeded or grown in connection with a soil-depleting crop, only one-half of the material applied shall be counted.

1. Application of 240 pounds of 20 per cent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.

2. Application of 200 pounds of 50 per cent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.

Application of the following quantities of ground limestone (or its equivalent) when applied at a rate not less than 1000 pounds per acre:

2000 pounds in the counties of Barbour, Berkeley, Brooke, Cabell, Grant, Greenbrier, Hampshire, Hancock, Hardy, Jefferson, Lincoln, McDowell, Marshall, Mason, Mercer, Mineral, Monongalia, Monroe, Morgan, Ohio, Pendleton, Pocahontas, Preston, Putman, Raleigh, Randolph, Summers, Tucker, Wirt, Wood, Wayne and Wyoming.

1500 pounds in the counties of Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Harrison,

Jackson, Kanawha, Lewis, Logan, Marion, Mingo, Nicholas, Pleasants, Ritchie, Roane, Taylor, Tyler, Upshur, Webster and Wetzel.

For purposes of this item, 100 pounds of ground oyster shell, 150 pounds of limestone screenings, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

B. Each acre of the following shall be counted as one unit:

1. Seeding kudzu, alfalfa, sericea, approved red clover, alsike clover, sweet clover, white clover, bluegrass, orchard grass, reed canary grass, vetch, crimson clover, annual lespedeza, annual ryegrass, or mixtures of such legumes and perennial grasses other than a mixture consisting solely of timothy and redtop.

2. Green manure crops; soybeans, cowpeas, crimson clover, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, sown corn, or mixtures of any two or more of such crops, of which a good stand and good growth is plowed or disced under as green manure. A good stand and good growth of soybeans, velvet beans, cowpeas, sweet clover in orchards, or rye, left on the land as a temporary mulch. Summer legumes interplanted or grown in combination with soil-depleting crops and 1938 seedings of sweet clover in orchards will not be counted under this item 2.

C. Each acre of the following shall be counted as two units:

1. With prior approval of the county committee improving a stand of forest trees under such approved system of farm woodlot management as is specified by the Agricultural Adjustment Administration.

D. Each acre of the following shall be counted as five units:

1. Planting forest trees, provided such trees are protected and cultivated in accordance with good tree culture practice.

E. Each two acres of the following shall be counted as one unit:

1. Summer legumes (interplanted or grown in combination with soil-depleting crops) of which a good stand and a good growth is plowed or disced under or left on the land.

2. Seeding timothy or redtop or a mixture consisting solely of timothy and redtop.

#### Section XV. Normal Yields and Productivity Indexes.

A. Normal yields of special soil-depleting crops. The county committee with the assistance of other local committees in the county shall determine for each farm for which a wheat or tobacco acreage

allotment is to be established a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration.

1. Wheat.

(a) Where reliable records of the actual average yield per acre of wheat for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and adjusted in the manner provided in subsection C below for abnormal weather conditions, and

(b) If, for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because the commodity was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices and general fertility of the land the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under subsection (a) of this section. Where the productivity index most recently established for the farm in connection with the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield for such year shall be used as the actual yield for such year. If for any combination of years in such ten-year period reliable records of the actual average yield are not available or there was no actual yield during such years, the yield obtained by multiplying such index by the county average yield for such combination of years shall be the actual yield for each year of such combination of years.

(c) The average of all the yields so determined for all farms in such county (weighted respectively by the wheat acreage allotments established for such farms) shall be adjusted so as to conform to the county average yield established by the Secretary.

2. Tobacco.

(a) The normal yield of tobacco for any farm shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1938 with due consideration for type of soil, drainage, production practices, general fertility of the land and the yield of such crop customarily secured on the farm. The average yield for all farms in any county with respect to any such crop shall not exceed the county average yield for the crop established by the Secretary.

B. Productivity Indexes. The Secretary shall establish for each county a county productivity index or per-acre rate which will vary among the counties as the productivity of the cropland in the county devoted to the production of general soil-depleting crop varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A productivity index or rate per acre shall be established by the county committee with instructions issued by the Agricultural Adjustment Administration for each farm for which a wheat acreage allotment is determined, subject to the approval of the State committee. Such productivity index or rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of such other crop that reflects the productivity of the farm may be used, provided that the productivity index or rate per acre for such farm shall be adjusted if necessary so as to be fair and equitable as compared with the productivity indexes or rates per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index or per-acre rate for all farms in the county shall not exceed 100 or the county per-acre rate, respectively, unless it is determined that farms for which such indexes or rates per acre are established are not representative of all farms in the county and a variation from 100 or the county per-acre rate is approved by the Agricultural Adjustment Administration.

C. Adjustment for abnormal weather conditions. In determining normal yields for wheat, if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural causes the yield in any year of the ten-year period, as determined under subsection A, is less than 75 per cent of the average computed without regard to such year, such year shall be eliminated in calculating the normal yield per acre.

Section XVI. Appeals. Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or made available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within

15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Section XVII. State and Regional Bulletins, Instructions, and Forms. The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program.

Section XVIII. Definitions. For the purposes of the 1938 Agricultural Conservation Program.

SECRETARY means the Secretary of Agriculture of the United States.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

EAST CENTRAL REGION means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

STATE COMMITTEE means the group of persons designated within the State of West Virginia to assist in the administration of the 1938 Agricultural Conservation Program in the State.

COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

FARM means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and
2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops:

Provided, That land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

CROPLAND means farm land which is tilled annually or in a regular rotation, excluding commercial orchards, but including any other land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to non-commercial orchards other than abandoned orchards.

COMMERCIAL ORCHARDS means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

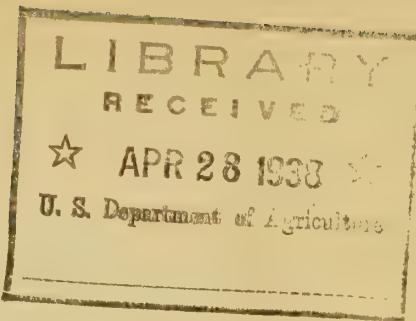
COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including potatoes, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding beans for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

NONCROP OPEN PASTURE means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

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EN 7013*

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION



## 1938 AGRICULTURAL CONSERVATION PROGRAM - WEST VIRGINIA

A tentative compilation of the provisions of the 1938 Agricultural Conservation Program applicable in the State of West Virginia.

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## 1938 AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7(a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will

necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in payments made because of the extent of participation in the program is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are applicable in the State of West Virginia excluding counties for which special programs under said Act are approved for 1938 by the Secretary; and public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Section 1. National, State, and County Goals. - (a) The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

(1) The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops, and the carrying out of such soil-building practices as will preserve and improve the soil fertility and prevent erosion.

(2) The following acreages of soil-depleting crops:

Cotton	27,000,000 to 29,000,000 acres
Corn	92,000,000 to 96,000,000 acres
Tobacco	

Flue-cured	850,000 to 900,000 acres
Burley	480,000 to 500,000 acres
Fire-cured and dark air-cured	170,000 to 180,000 acres
Cigar filler and binder	85,000 to 90,000 acres
Georgia-Florida Type 62	2,800 to 3,000 acres

Potatoes	3,100,000 to 3,300,000 acres
Peanuts	1,500,000 to 1,600,000 acres
Rice	825,000 to 875,000 acres
Other soil-depleting crops	145,000,000 to 155,000,000 acres
Total soil-depleting crops	273,000,000 to 288,000,000 acres

(b) State goals for total soil-depleting crops and for individual soil-depleting crops where applicable shall be established by the Agricultural Adjustment Administration on the basis of the average acreage of the various soil-depleting crops grown in each State in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program, taking into consideration trends in acreage, the acreage of food and feed crops required for home consumption, and farms for which goals may be established as large as the usual acreage of crops grown thereon. The total of the State goals for any crop or group of crops shall not be less than the minimum acreage nor more than the maximum acreage specified as the national goal for such crop or group of crops in subsection (a).

(c) The Agricultural Adjustment Administration with the assistance of State committees shall establish county goals for total soil-depleting crops and where applicable for tobacco. County goals for tobacco shall be established for each county where tobacco is grown commercially. In establishing county goals the State goal shall be equitably distributed among the counties on the basis of the average acreage grown in such counties in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program adjusted where necessary for farms for which provision was not made in 1937, taking into consideration trends in acreage, farms for which goals may be established as large as the usual acreage of crops grown thereon, and recommendations of district and county agricultural planning committees with respect to the acreages of various crops and groups of crops which should be grown in each county in order to promote soil conservation.

The Agricultural Adjustment Administration with the assistance of the State committee may establish county goals for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and prevent erosion.

Sec. 2. Goals for Individual Farms. - (a) The county committee in accordance with applicable instructions shall establish for each farm a total soil-depleting crop goal and where applicable a goal for tobacco. The soil-depleting goal for any farm shall represent the farm's equitable share of the county goal, taking into consideration good soil management, the tillable acreage on the farm, the type of soil, topography, production facilities, the crop rotation system, the acreage of such crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm.

The soil-depleting goals for all farms in the county shall not exceed such goals as shall be established for the county by the Agricultural Adjustment Administration, and the sum of the goals for farms furnishing required forms and information shall not exceed their proportionate share of the county goals.

(b) The county committee shall establish for each farm a soil-conserving acreage which shall be the acreage of cropland in the farm (excluding commercial orchards and normally idle cropland) in excess of the total soil-depleting goal for the farm.

(c) The county committee shall establish for each farm a soil-building goal which shall represent the number of acres or acre equivalents of applicable practices listed in Sec. 6 to be carried out on the farm as a condition of payment. The soil-building goal for a farm, except as otherwise noted 1/, shall be the sum of the following:

(1) One and one-half times the soil-conserving acreage.

1/ For any farm for which the total soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of soil-depleting crops for the farm, the soil-building goal shall be the sum of (1) a number of acres equal to one-half the number of dollars computed for the farm under Sec. 3, and (2) the soil-conserving acreage for the farm.

(2) The number of acres by which the general soil-depleting goal exceeds the tobacco goal, if the general soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of general soil-depleting crops grown on the farm.

(3) The average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(4) The acreage of commercial orchards on the farm January 1, 1938.

(5) A number of acres equal to one-half the number of dollars computed for the farm (under item 6 of Sec. 3) with respect to noncrop open pasture land.

The county committee shall, insofar as practicable, establish soil-building goals for individual farms in terms of acreages or acreage equivalents of one or more specified soil-building practices which it determines are not routine farming practices on the farm but are needed on the farm in order to preserve and improve soil fertility and prevent erosion and will tend to accomplish the goals established for the county with respect to particular soil-building practices.

Sec. 3. Payment for Full Performance. - Payment will be made with respect to any farm for not exceeding the soil-depleting goal and for achieving the soil-building goal in an amount which shall be the sum of the following:

(1) \$1.50 per acre, adjusted for productivity, for each acre in the general soil-depleting goal: Provided, however, That if such goal is determined to be as large as the usual acreage of general soil-depleting crops grown on the farm, the rate shall be \$1.50 per acre, not adjusted for productivity, on the number of acres in the general soil-depleting goal in excess of the tobacco goal for the farm.

(2) .05 of a cent per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco goal.

(3) 70 cents per acre on (a) the soil-conserving acreage.

(4) \$2.00 per acre of the average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(5) \$2.00 per acre of commercial orchards on the farm January 1, 1938.

(6) 25 cents per acre of fenced noncrop open pasture land, in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

Sec. 4. Payment for Partial Performance. - The payment computed for any farm, under the provisions of section 3, shall be subject to all of the following deductions which are applicable to the farm.

(1) 5 cents per pound of the normal yield for the farm for each acre of tobacco in excess of the tobacco goal.

(2) \$12.00 adjusted for the productivity of the farm for each acre of soil-depleting crops in excess of the total soil-depleting crop goal for the farm less any acreage on which deductions are made pursuant to item (1) of this Sec. 4.

(3) \$2.00 for each acre or acre equivalent by which the soil-building goal is not reached.

Sec. 5. Soil-Depleting Crops. - Land devoted in 1938 to any of the following crops or uses, or such other similar crops and uses as are designated by the Agricultural Adjustment Administration, shall be classified as soil-depleting: 2/

(a) Land planted to the following crops for harvest in 1938:

- (1) Corn (including field corn, sweet corn, silage, and popcorn, but excluding sown corn used as a cover crop or green manure crop).
- (2) Grain sorghums.
- (3) Tobacco.
- (4) Broomcorn.
- (5) Truck and vegetable crops (including strawberries, melons, and sweetpotatoes) and their seeds.
- (6) Potatoes.
- (7) Bulbs and flowers.
- (8) Field beans.

(b) Land planted to wheat between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop, or

(2) When such crop is used as a cover crop or as a nurse crop, and is not harvested for grain or hay.

(c) Land planted to oats, barley, rye, buckwheat, flax, rape, or mixtures of these crops between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

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2/ Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

(d) Land planted in 1938 to sweet sorghum, Sudan grass, millet, or sown corn, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or for pasture and is not harvested for grain, seed, syrup, hay, or silage.

(e) Land planted in 1938 to soybeans harvested for seed for crushing.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none or more than one of such crops reach maturity and an individual crop goal is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop goal is established.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be occupied by each.

Sec. 6. Soil-Building Practices. The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in a workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted towards meeting the soil-building goal. If a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by a Federal or State agency other than the Agricultural Adjustment Administration, a proportion of the total acreage of the practice not exceeding the proportion of the total cost not furnished by the Federal or State agency may be counted towards meeting the soil-building goal.

#### Schedule of Soil-Building Practices

1. Each acre of the following shall be counted as one acre:

1. Maintaining until after July 1, 1938, a good stand of perennial grasses or perennial or biennial legumes, or mixtures of such grasses and legumes, seeded or established prior to 1938 on cropland on which no soil-depleting crop is planted between August 1, 1937, and July 31, 1938.

2. Seeding biennial legumes (other than those qualifying under practice B-1 below), orchard grass, or mixtures of timothy or redtop and legumes.
  3. Seeding winter legumes or growing annual lespedeza.
  4. Green manure crops (excluding lespedeza and crops which are counted under items 6 or 7 of this section 6) of which a good stand and good growth is plowed or disced under as green manure 3/.
  5. Summer legumes grown alone and not classified as soil-depleting.
  6. Growing Sudan grass, millet, or annual ryegrass, provided a good growth is attained, and the crop is not harvested for grain, seed, or hay, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.
  7. Growing sweet sorghums, or sown corn, provided a good growth is attained, the crop is not pastured or harvested for grain, seed or forage, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.
- B. Each acre of the following shall be counted as one and one-half acres:
1. Seeding approved 4/domestic or Canadian red clover except in mixtures.
- C. Each acre of the following shall be counted as two acres:
1. Seeding perennial legumes; perennial grasses other than timothy, redtop, and orchard grass; or mixtures of legumes and perennial grasses other than timothy and redtop.
  2. Improving a stand of forest trees under such approved system of farm woodland management as is specified by the regional director.

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- 3/ A good stand and good growth of rye in any case and other crops in orchards or on commercial vegetable or potato land may be left on the land as a temporary mulch.
- 4/ Seed to be approved by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration. In areas where practice B-1 is used similar approval with respect to alfalfa seed under practice C-1 shall also be required.

- D. Each acre of the following shall be counted as five acres:
1. Planting forest trees.(including shrubs in protective plantings).
- E. Each acre of the following shall be counted as one-half acre:
1. Summer legumes not classified as soil-depleting, if interplanted or grown in combination with soil-depleting crops.
  2. Seeding timothy or redtop.
- F. Each of the following practices in the amount specified shall be counted as one acre 5/:
1. Application of 240 pounds of 20 percent superphosphate (or its equivalent) to, or in connection with the seeding of,perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.
  2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of,perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.
  3. Application of the following quantities of ground limestone (or its equivalent 6/) when applied at a rate not less than 1000 pounds per acre:

2000 pounds in the counties of Barbour, Berkeley, Brook, Cabell, Grant, Greenbrier, Hampshire, Hancock, Hardy, Jefferson, Lincoln, McDowell, Marshall, Mason, Mercer, Mineral, Monongalia, Monroe, Morgan, Ohio, Pendleton, Pocahontas, Preston, Putnam, Raleigh, Randolph, Summers, Tucker, Wirt, Wood, Wayne, and Wyoming.

1500 pounds in the counties of Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Harrison, Jackson, Kanawha, Lewis, Logan, Marion, Mingo, Nicholas, Pleasants, Ritchie, Roane, Taylor, Tyler, Upshur, Webster, and Wetzel.

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5/ When the materials specified in items 1 or 2 are applied to perennial or biennial legumes, perennial grasses, winter legumes, or lespedeza, in connection with a soil-depleting crop, only one-half of the material applied shall be counted.

6/ For purposes of this item 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

Sec. 7. Materials Furnished as Grants of Aid. - Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration.

Sec. 8. Division of Payment. - The share of each interested person in the payment shall be computed on the basis of the acreage shares of each such person in the soil-depleting crops grown, or the proceeds thereof, and the soil-building practices carried out on the farm in 1938.

In computing the acreage share of each person each acre of Burley tobacco shall be given a weight of 2; each acre of other soil-depleting crops (excluding general soil-depleting crops on farms where the general soil-depleting goal is as large as the usual acreage of crops in such goal), a weight of 1; and each acre unit of soil-building practices (excluding the growing of self-reseeded annual legumes and the maintenance of perennial grasses or perennial or biennial legumes or mixtures of such grasses and legumes and excluding soil-building practices which are carried out by the owner of a farm rented to another person for cash, standing or fixed rent, and which are not required in meeting the soil-building goal for the farm), a weight of 1. If the county committee determines that two or more persons have contributed to the carrying-out of any soil-building practice, the acreage of such practice with respect to which such persons contributed shall be divided equally among them.

If, prior to the harvest of any soil-depleting crop, there is a change in the ownership or operation of a farm and the county committee determines that both owners, or both operators, as the case may be, have contributed to performance with respect to the goal for such crop, the acreage of such crop shall be divided between them on the basis of such contribution to performance by agreement in writing, or in the absence of such agreement, by determination of the county committee. Any deductions incurred pursuant to the provisions of Sec. 4 shall be made pro rata from the items making up the maximum payment with respect to the farm.

Sec. 9. Association Membership and Deduction for Expenses. - Any person who previously has not, in accordance with the Articles of Association, become a member of the county agricultural conservation association of the county in which his farm or farms are located shall become a member thereof by signing an application under which a payment can be made with respect to any such farm. A person shall cease to be a member of the association when it becomes evident that he cannot qualify for a payment in the county in connection with the 1938 Agricultural Conservation Program.

There shall be deducted pro rata from the payments made to members of each county agricultural conservation association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each county agricultural conservation association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms estimated by the Agricultural Adjustment Administration with respect to which a payment (prior to deduction of any administrative expenses) of not more than \$20.00 will be made.

Sec. 10. Payments Restricted to Effectuation of the Purposes of the Program. - All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part the performance for which such payment is otherwise authorized; or (3) if, with respect to forest land or wood land owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the regional director.

Sec. 11. Payments Computed and Made Without Regard to Claims. - Any payment or share of payments shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 12. Changes in Leasing and Cropping Agreements and Other Devices. - If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed any other scheme or device whatsoever, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1938 Agricultural Conservation Program.

Sec. 13. Deductions Incurred on Other Farms. - If a person who makes application for payment with respect to any farm operates, rents to another person for a share of the crops produced thereon, or field-rents to other persons for cash any other farm(s) in the county, and for such other farm(s) an application under which a payment can be made is not filed and deductions computed

under Sec. 4, excluding item(3), exceed the amount computed for such other farms under items (1) and (2) (excluding item (1) when the general soil-depleting goal is determined to be as large as the usual acreage of general soil-depleting crops) of Sec. 3, the payment to be made to such person shall be decreased by an amount equal to such person's share 7/ of such deductions in excess of such amount computed under Sec. 3.

The provisions of this Sec. 13 shall be extended to include farms in two or more counties in the State which any person operates, rents to another person for a share of the crops produced thereon or field-rents to other persons for cash, if the State committee finds that the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1938 Agricultural Conservation Program.

Sec. 14. Rates Per Acre - General Crops. - The Secretary shall establish for each county a county rate per acre which will vary among the counties as the productivity of the cropland in the county devoted to the production of corn, wheat, oats, barley, rye, buckwheat, grain sorghums, soybeans, field beans, sorghum for syrup, potatoes, sweetpotatoes, and broomcorn varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A rate per acre shall in accordance with instructions issued by the Agricultural Adjustment Administration be established for each farm by the county committee, subject to the approval of the State committee. Such rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of such other crop as does reflect the productivity of the farm may be used, provided that the rate per acre for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the rates per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The weighted average rate per acre for all farms in the county shall not exceed the county rate per acre unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county and a variation from the county rate per acre is approved by the Agricultural Adjustment Administration.

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7/ To be determined in accordance with the provisions of Sec. 8.

Sec. 15. Rate Per Acre - Tobacco. - (a) There shall be established for each county having a tobacco goal the county average rate per acre for tobacco. Such county average rate per acre shall be determined by the Agricultural Adjustment Administration on the basis of average yields in the county during the ten-year period 1927 to 1936, inclusive, or such combination of five or more years as it is determined most accurately represents the normal yield of such crop in such county. If annual county yields are not available for any crop, the yields for census years and for other years for which data on yields are available to the Agricultural Adjustment Administration and the yields established under the 1937 Agricultural Conservation Program shall be used as a basis for establishing county rates per acre.

(b) The county committee shall establish for each farm having a tobacco goal a rate per acre for tobacco. Such rate per acre designated for any farm shall be based upon that yield which the county committee, acting in accordance with applicable instructions, finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of tobacco. In designating the yield due consideration shall be given by the committee to the trend of yield per acre as well as the type of soil, drainage, erosion, production practices, general fertility of the land, and the yield of tobacco customarily secured on the farm. The weighted average rate per acre for all farms in any county with respect to tobacco shall not exceed the county average rate per acre for such crop unless it is determined that farms for which such rates per acre are established are not representative of all farms in the county producing such crop and a variation from the county average rate per acre is approved by the Agricultural Adjustment Administration.

Sec. 16. Application for Payment. - (a) An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 8, a share in the payment with respect to the farm would be computed and (1) who is growing crops on such farm, is operating such farm or is renting such farm to another person for a share of the crops grown thereon, or (2) who is the owner of such farm and participates thereon in the carrying-out of soil-building practices in 1938.

(b) Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) When an application for payment is filed by a person with respect to a farm in a county a report (upon a prescribed form) shall be submitted covering farming operations on each other farm in the county which such person is operating, renting to another person for a share of the crops produced thereon, or field-rents to other persons for cash. Upon request by the State committee such person also shall submit a report (upon a prescribed form) covering farming

operations on any farm in any other county in the State which he operates, rents to another person for a share of the crops grown thereon, or field-rents to other persons for cash.

(d) The payment with respect to any farm shall be computed on the basis of the performance under the 1938 Agricultural Conservation Program on such farm without regard to the performance on other farms, except as provided in Sec. 13. Two or more farms operated by the same person as a unit for a regular crop rotation or as a unit with respect to workstock, farm machinery, and labor, may, for the purpose of computing payments with respect thereto, be considered one farm (if all of the persons entitled to share in the payment with respect to such farms agree thereto) unless the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration, that the combining of such farms will result in payments not commensurate with performance thereon.

Sec. 17. Determination of County in Which a Farm Is Located. - A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

Sec. 18. Appeals. - Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination: (a) eligibility to file an application for payment; (b) any soil-depleting or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision, appeal in writing to the State committee. The State committee shall within 30 days after the receipt of the appeal inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may, within 15 days thereafter, request the regional director to review the decision of the State committee.

Sec. 19. Instructions and Forms. - The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1938 Agricultural Conservation Program. Such instructions shall include provision for the rounding of fractions in connection with goals, 1938 acreages of crops and practices, and per-acre rates of payment and shall also provide for calculating the net payment to any person to the nearest whole dollar, fractions of 50 cents or less to be dropped and fractions of more than 50 cents to be considered as \$1.00.

Sec. 20. Definitions. - For the purposes of the 1938 Agricultural Conservation Program.

SECRETARY means the Secretary of Agriculture of the United States.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

STATE COMMITTEE means the group of persons designated within any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

FARM means all adjacent or nearby farm land owned by a person (a) which is operated by one person as all or part of the land operated by such person with workstock, farm machinery, and labor substantially separate from that for any other land, or (b) all or part of which is field-rented to and operated by other persons: Provided, That land which is rented for fixed or cash rent or which is field-rented for a share of the crop by an operator from one or more persons in accordance with usual farming arrangements may be included as a part of the farm of the operator.

CROPLAND means farm land which is tilled annually or in a regular rotation but shall not include restoration land or any land which constitutes, or will constitute if such tillage is continued, an erosion hazard to the community because of the texture or slope of such land or because of climatic conditions, but shall include land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and shall include also land planted to commercial or non-commercial orchards other than abandoned orchards.

COMMERCIAL ORCHARDS means the acreage in planted fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including potatoes on farms where a potato goal is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

NONCROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING GOAL means the total soil-depleting goal established for the farm less the acreage included in the tobacco goal established for the farm.

GENERAL SOIL-DEPLETING CROPS means all soil-depleting crops other than tobacco.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereto.





Issued May 25, 1938

## UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

EAST CENTRAL DIVISION

JUL 29 1938

## 1938 AGRICULTURAL CONSERVATION PROGRAM— WEST VIRGINIA

The provisions of the 1938 Agricultural Conservation Program as amended May 25, 1938, which are applicable in the State of West Virginia

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Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture April 16, 1938 (ACP-1938-9) as amended May 25, 1938, and the authority vested thereby in the Agricultural Adjustment Administration, payments and grants of aid will be made for participation in the State of West Virginia in the 1938 Agricultural Conservation Program in accordance with the provisions of this East Central Region Bulletin 201 for the State of West Virginia and such modifications thereof or other provisions as may hereafter be made. This bulletin (ECR-201-West Virginia) includes all of the provisions of said 1938 Agricultural Conservation Program Bulletin (ACP-1938-9) as amended May 25, 1938, which are applicable to the State of West Virginia, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the East Central Division.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as

the Congress of the United States may hereafter enact. The making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act as amended, and the extent of national participation. Under the provisions of section 105 of the Agricultural Adjustment Act of 1938, as amended, payments under the 1938 Agricultural Conservation Program, based on soil-depleting crops for which special acreage allotments are established, shall be made at not less than 90 percent of the rates specified in the 1938 Agricultural Conservation Program Bulletin (ACP-1938) approved October 23, 1937. As an adjustment for participation the rates of payment and deduction with respect to each commodity or item of payment may be decreased or increased by as much as 10 percent. The provisions of the 1938 Agricultural Conservation Program are not applicable in the State of West Virginia to (1) counties for which special programs under the Soil Conservation and Domestic Allotment Act are approved for 1938 by the Secretary, and (2) public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture and other lands in which the beneficial ownership is in the United States.

#### **SECTION I. NATIONAL AND STATE ACREAGE ALLOTMENTS AND GOALS**

**A. National goals.**—The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

**1. The following acreages of soil-depleting crops:**

Cotton-----	27,000,000 to 29,000,000 acres.
Corn-----	94,000,000 to 97,000,000 acres.
Tobacco:	
Flue-cured-----	850,000 to 875,000 acres.
Burley-----	440,000 to 460,000 acres.
Fire-cured and dark air-cured-----	170,000 to 180,000 acres.
Cigar filler and binder-----	85,000 to 90,000 acres.
Georgia-Florida type 62-----	2,800 to 3,000 acres.
Potatoes-----	3,100,000 to 3,300,000 acres.
Peanuts-----	1,500,000 to 1,600,000 acres.
Rice-----	825,000 to 875,000 acres.
Total soil-depleting crops-----	275,000,000 to 290,000,000 acres.

**2. The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops; the restoration, insofar as is practicable, of a permanent vegetative cover on 6,000,000 acres of land unsuited to the continued production of cultivated crops; and the carrying out of soil-building practices that will preserve and improve soil fertility and prevent wind and water erosion.**

**B. National and State acreage allotments.**—National and State acreage allotments of soil-depleting crops will be determined by the Secretary.

## SECTION II. COUNTY ACREAGE ALLOTMENTS AND GOALS

**A. County acreage allotments of soil-depleting crops.**—The Agricultural Adjustment Administration with the assistance of State committees shall establish county acreage allotments for total soil-depleting crops, and for wheat and tobacco as hereinafter set forth. The soil-depleting acreage allotments for all counties in the State shall not exceed the applicable acreage allotment established for the State by the Secretary except as otherwise provided in this bulletin.

**1. Total soil-depleting acreage allotments.**—County acreage allotments of total soil-depleting crops shall be established by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the average acreage of soil-depleting crops grown in such counties in whichever of the periods of five or more consecutive years since 1927 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program, adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops, farms for which the general crop acreage allotment will be as large as the usual acreage of general soil-depleting crops, and the relationship of the usual acreage of individual soil-depleting crops to the 1938 acreage allotments in counties where allotments for individual soil-depleting crops are established.

**2. Wheat acreage allotments.**—County acreage allotments of wheat shall be established by distributing the State acreage allotment of wheat among the counties in the State pro rata on the basis of the acreage of wheat seeded for the production of wheat during the ten years, 1928 to 1937, inclusive, plus in applicable years the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in a county in any year of such ten-year period was less than 50 percent or more than 150 percent of the average computed for the other nine years, such year shall be eliminated in calculating the average acreage seeded for the production of wheat in such county. The average acreage seeded in any county for the production of wheat so determined shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreages diverted from the production of wheat during the years 1935, 1936, and 1937, and to the acreages so seeded and diverted during the ten-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

**3. Tobacco acreage allotments.**—County acreage allotments for each kind of tobacco shall be established by distributing the State acreage allotment of such kind of tobacco among the counties in the State on the basis of the base acreages of such kind of tobacco established for such counties under the 1937 Agricultural Conservation Program, taking into consideration allotments for small farms, trends in acreage, seed bed, and other plant diseases.

**B. County soil-building goals.**—Insofar as practicable, county goals shall be established for particular soil-building practices which

are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent erosion.

### SECTION III. FARM ACREAGE ALLOTMENTS AND GOALS

The county committee, with the assistance of other local committees in the county, shall determine acreage allotments, and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for the farms in a county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration, and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.

#### A. Soil-depleting acreage allotments:

**1. Total soil-depleting acreage allotment.**—The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm, taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

**2. Wheat allotment.**—Acreage allotments of wheat shall be determined for farms on which wheat was seeded for harvest in one or more of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil and topography. Not more than 3 per cent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat has not been seeded for harvest in any one of the three years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil and topography. The wheat acreage allotment for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors. No allotment shall be established for any farm for which the normal production of wheat for market is less than 100 bushels.

**3. Tobacco allotment.**—Acreage allotments of tobacco shall be determined on the basis of past acreage of tobacco with due allowance for the effects of abnormal weather conditions and plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The tobacco acreage allotment for any farm on which tobacco was grown in one or more of the years 1934 to 1937, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors; *provided*, that special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is to be produced in 1938 for the first time since 1933 shall not exceed 75 per cent of the allot-

ment for other farms in the same community on which tobacco was produced since 1933 which are similar with respect to land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

**B. Soil-building goal.**—The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under Section IV, subsection B, with respect to the acreage of cropland with respect to which a payment of 70 cents per acre is computed, and the commercial vegetable acreage, commercial orchards, and noncrop pasture land. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**C. Posting of acreage allotments.**—All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

#### SECTION IV. PAYMENT FOR FULL PERFORMANCE

Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building goals in an amount which shall be the sum of the following:

**A. Soil-depleting acreage allotments:**

1. **Wheat.**—12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment and the county committee finds that the failure to plant 80 percent of such wheat acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to wheat. The acreage planted to wheat shall be deemed to be that acreage which is seeded to wheat classified as soil-depleting under subsection B of Section XIII.

2. **Tobacco.**—0.5 cent per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment.

**B. Payments in connection with soil-building practices:**

1. 70 cents per acre of cropland on the farm in excess of the sum of (1) the acreage used in computing payments with respect to the wheat acreage allotment established for the farm; and (2) one and one-half times the acreage used in computing payment with respect to the tobacco acreage allotment established for the farm.

2. \$1.50 per acre of the average acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

3. \$2.00 per acre of commercial orchards on the farm January 1, 1938.

4. 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is

capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

#### SECTION V. PAYMENTS FOR PARTIAL PERFORMANCE

Payments computed for any farm under the provisions of Section IV shall be subject to all the following deductions which are applicable to the farm.

##### A. Deductions for excess acreages of soil-depleting crops:

1. **Tobacco.**—5 cents per pound of the normal yield for the farm for each acre of tobacco in excess of the tobacco acreage allotment.

2. **Total soil-depleting acreage allotments.**—The following applicable rate for each acre of land classified as soil-depleting in excess of the total soil-depleting acreage allotment, less the acreages for which deduction is made under item I of this subsection A:

a. 60 cents per bushel of the normal yield per acre of wheat for the farm if a payment is computed for the farm under section IV with respect to a wheat acreage allotment.

b. \$4.00 per acre if a payment is computed for the farm under section IV with respect to a tobacco acreage allotment but no payment is computed for the farm under section IV with respect to a wheat acreage allotment.

**B. Deductions for failure to carry out soil-building practices.**—\$1.50 for each unit by which the soil-building goal is not reached.

#### SECTION VI. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and deductions in connection with acreage allotments.**—The net payment or net deduction computed for any farm with respect to the wheat or tobacco acreage allotment, shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the wheat or tobacco, respectively, grown on the farm in 1938.

In computing such net payments and net deductions with respect to acreage allotments, the deductions computed under section V with respect to soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 2, subsection A) shall be regarded (a) as deductions with respect to the wheat acreage allotment on farms for which a payment is computed under section IV in connection with a wheat acreage allotment; (b) as deductions with respect to the payments computed under section IV in connection with a tobacco acreage allotment on farms for which no payment is computed in connection with a wheat acreage allotment; or (c) as deductions with respect to the soil-building goal on farms for which no payment is computed under section IV in connection with crop acreage allotments, provided that any net amount of such deductions computed for such farms shall be divided equally among the landlords and tenants on the farm.

In the event that wheat or tobacco are not harvested in 1938 on the farm, or in the event the county committee, in accordance with in-

structions issued by the Agricultural Adjustment Administration, finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deductions, if any, with respect to the acreage allotment for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) had such such crop(s) been harvested on the farm in 1938 or the acreage of such crop(s) had not been so reduced.

**B. Payments with respect to soil-building practices.**—The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which the county committee determines each such person contributed thereto.

**C. Proration of net deductions.**—If with respect to any farm the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

## SECTION VII. INCREASE IN SMALL PAYMENTS

The total payment computed under Sections IV to VI, inclusive, for any person with respect to any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 per cent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment Computed	Increase in payment	Amount of payment Computed	Increase in payment
\$1 to \$1.99-----	\$0. 40	\$32 to \$32.99-----	\$10. 40
\$2 to \$2.99-----	. 80	\$33 to \$33.99-----	10. 60
\$3 to \$3.99-----	1. 20	\$34 to \$34.99-----	10. 80
\$4 to \$4.99-----	1. 60	\$35 to \$35.99-----	11. 00
\$5 to \$5.99-----	2. 00	\$36 to \$36.99-----	11. 20
\$6 to \$6.99-----	2. 40	\$37 to \$37.99-----	11. 40
\$7 to \$7.99-----	2. 80	\$38 to \$38.99-----	11. 60
\$8 to \$8.99-----	3. 20	\$39 to \$39.99-----	11. 80
\$9 to \$9.99-----	3. 60	\$40 to \$40.99-----	12. 00
\$10 to \$10.99-----	4. 00	\$41 to \$41.99-----	12. 10
\$11 to \$11.99-----	4. 40	\$42 to \$42.99-----	12. 20
\$12 to \$12.99-----	4. 80	\$43 to \$43.99-----	12. 30
\$13 to \$13.99-----	5. 20	\$44 to \$44.99-----	12. 40
\$14 to \$14.99-----	5. 60	\$45 to \$45.99-----	12. 50
\$15 to \$15.99-----	6. 00	\$46 to \$46.99-----	12. 60
\$16 to \$16.99-----	6. 40	\$47 to \$47.99-----	12. 70
\$17 to \$17.99-----	6. 80	\$48 to \$48.99-----	12. 80
\$18 to \$18.99-----	7. 20	\$49 to \$49.99-----	12. 90
\$19 to \$19.99-----	7. 60	\$50 to \$50.99-----	13. 00
\$20 to \$20.99-----	8. 00	\$51 to \$51.99-----	13. 10
\$21 to \$21.99-----	8. 20	\$52 to \$52.99-----	13. 20
\$22 to \$22.99-----	8. 40	\$53 to \$53.99-----	13. 30
\$23 to \$23.99-----	8. 60	\$54 to \$54.99-----	13. 40
\$24 to \$24.99-----	8. 80	\$55 to \$55.99-----	13. 50
\$25 to \$25.99-----	9. 00	\$56 to \$56.99-----	13. 60
\$26 to \$26.99-----	9. 20	\$57 to \$57.99-----	13. 70
\$27 to \$27.99-----	9. 40	\$58 to \$58.99-----	13. 80
\$28 to \$28.99-----	9. 60	\$59 to \$59.99-----	13. 90
\$29 to \$29.99-----	9. 80	\$60 to \$185.99-----	14. 00
\$30 to \$30.99-----	10. 00	\$186 to \$199.99-----	(1)
\$31 to \$31.99-----	10. 20	\$200 and over-----	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

### SECTION VIII. DEDUCTIONS INCURRED ON OTHER FARMS

A. **Other farms in the same county.**—If the deductions computed under section V with respect to any farm in a county exceed the payment for full performance on such farm computed under section IV, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in such county.

B. **Other farms in the State.**—If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.

#### **SECTION IX. DEDUCTION FOR ASSOCIATION EXPENSES**

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

#### **SECTION X. MATERIALS FURNISHED AS GRANTS OF AID**

Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm, the amount of such difference shall be repaid by him to the Secretary.

Pursuant to the provisions of this section X, triple superphosphate containing not less than 45 percent of available  $P_2O_5$  will be made available at Sheffield, Alabama; Wales, Tennessee; Baltimore, Maryland, and such other points as may be specified by the Regional Director. The deduction for such material shall be at the rate of \$1.60 for each 100 pounds of such material.

#### **SECTION XI. GENERAL PROVISIONS RELATING TO PAYMENTS**

**A. Payment restricted to effectuation of purposes of the program.**—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld—

(1) If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous agricultural conservation programs,

(2) If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or

(3) If, with respect to forest land or woodland owned or controlled by him, he willfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning) or, if he clear-cuts or allows to be clear-cut his present stand of timber

below a minimum diameter on the stump of approximately 10" for coniferous species, and approximately 14" for hardwood species except (a) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (b) where the clearing is for needed cropland, or (c) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

If on any farm for which no wheat, or tobacco acreage allotment is established, the acreage of soil-depleting crops in 1938 is in excess of 50 acres and in excess of the total soil-depleting acreage allotment, the deduction provided in paragraph 2 (b) of subsection A of Section V shall be applicable to such farm if the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm. No payment shall be computed with respect to any farm which is idle in 1938.

**B. Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection D of this Section XI) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share-tenants in 1938 is less than the average number on the farm during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold, in whole, or in part, from the person participating in or employing such a scheme or device, or require such person to refund in whole, or in part, the amount of any payment

which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

**D. Assignments.**—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing or Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any preexisting indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purposes.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

**E. Excess cotton acreage.**—As required by law, and as provided in the 1938 Agricultural Conservation Program Bulletin issued by the Secretary, payment cannot be made to any person if he has a farm in any cotton-producing area on which he has knowingly planted or caused to be planted during 1938 cotton in excess of the cotton acreage allotment established for such farm in connection with cotton marketing quotas.

**F. Use of Soil-conserving crops for market.**—No payment will be made with respect to any farm unless in 1938 an acreage, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market equal to the acreage by which the normal acreage of soil-depleting crops exceeds the larger of (1) the total soil-depleting acreage allotment or (2) the acreage devoted to soil-depleting crops; *Provided*, That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten per cent of the milk, or the products thereof,

produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed ten per cent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than ten per cent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under Section XIII hereof.

#### **SECTION XII. APPLICATION FOR PAYMENT**

**A. Persons eligible to file applications.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section VI a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Applications for other farms.**—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for pay-

ment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

### SECTION XIII. SOIL-DEPLETING CROPS

Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting. Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

**A. Land planted to the following crops for harvest in 1938:**

1. Corn (including field corn, silage corn, sweet corn, and popcorn, but excluding sown corn used as a green manure crop).
2. Tobacco.
3. Grain sorghums.
4. Broomecorn.
5. Truck and vegetable crops (including strawberries, melons, and sweet potatoes) and their seeds.
6. Potatoes.
7. Bulbs and flowers.
8. Field beans.

**B. Land planted to wheat, oats, barley, rye, flax, or mixtures of these crops between August 1, 1937, and July 31, 1938, except—**

1. When a good stand and good growth of such crop is used as a green manure crop; or
2. When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

**C. Land planted in 1938 to buckwheat, sweet sorghum, Sudan grass, or millet, harvested for hay, grain, seed, sirup, or silage.**

**D. Land planted in 1938 to soybeans harvested for seed for crushing.**

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none of such crops reaches maturity or if more than one of such crops reach maturity and an individual crop acreage allotment is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established. If none of such crops reaches maturity and individual crop acreage allotments are established for two of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop acreage allotment is established. If two or more of such crops reach maturity and individual crop acreage allotments are established for two of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop acreage allotment is established. If two or more of such crops reach maturity, or if none of such crops reach maturity, and individual crop acreage allot-

ments are not established for any of such crops, the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined, in accordance with instructions issued by the Agricultural Adjustment Administration, to be devoted to each.

In connection with determinations regarding the maturity of crops, field corn, sweet corn, and popcorn hogged off or cut for silage, fodder, or other similar uses will be deemed to have reached maturity.

#### SECTION XIV. SOIL-BUILDING PRACTICES

The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

If trees are purchased from a Clark-McNary Cooperative State Nursery, such purchases shall not be deemed to be paid for in whole or in part by a State or Federal agency.

#### SCHEDULE OF SOIL-BUILDING PRACTICES

A. Each of the following practices in the amounts specified shall be counted as one unit, provided that, when the materials specified in items 1 or 2 are applied to biennial or perennial legumes, perennial grasses, winter legumes or lespedeza seeded or grown in connection with a soil-depleting crop, only one-half of the material applied shall be counted.

1. Application of 240 pounds of 20 percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.

For the purposes of this item 100 pounds of triple superphosphate containing not less than 45 percent of available  $P_2O_5$  shall be considered to be equivalent to 240 pounds of 20 percent superphosphate.

2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.

3. Application of the following quantities of ground limestone (or its equivalent) when applied at a rate not less than 1,000 pounds per acre.

2,000 pounds in the counties of Barbour, Berkeley, Brooke, Cabell, Grant, Greenbrier, Hampshire, Hancock, Hardy, Jefferson, Lincoln, McDowell, Marshall, Mason, Mercer, Mineral, Monongalia, Monroe, Morgan, Ohio, Pendleton, Pocahontas, Preston, Putman, Raleigh, Randolph, Summers, Tucker, Wirt, Wood, Wayne and Wyoming.

1,500 pounds in the counties of Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Harrison, Jackson, Kanawha, Lewis, Logan, Marion, Mingo, Nicholas, Pleasants, Ritchie, Roane, Taylor, Tyler, Upshur, Webster and Wetzel.

For purposes of this item, 100 pounds of ground oyster shell, 150 pounds of limestone screenings, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

**B. Each acre of the following shall be counted as one unit:**

1. Seeding, alfalfa, sericea, approved red clover, alsike clover, sweet clover, white clover, bluegrass, orchard grass, vetch, crimson clover, annual lespedeza, annual ryegrass, or mixtures of such legumes and perennial grasses other than a mixture consisting solely of timothy and redtop.

2. Green manure crops; soybeans, cowpeas, crimson clover, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, sown corn, or mixtures, of any two or more of such crops, of which a good stand and good growth is plowed or disced under as green manure. A good stand and good growth of soybeans, cowpeas, sweet clover in orchards, or rye, left on the land as a temporary mulch. Summer legumes interplanted or grown in combination with soil-depleting crops and 1938 seedings of sweet clover in orchards will not be counted under this item 2.

**C. Each acre of the following shall be counted as two units:**

1. With prior approval of the county committee improving a stand of forest trees under such approved system of farm woodlot management as is specified by the Agricultural Adjustment Administration.

**D. Each acre of the following shall be counted as five units:**

1. Planting forest trees, provided such trees are protected and cultivated in accordance with good tree-culture practice.

**E. Each two acres of the following shall be counted as one unit:**

1. Summer legumes (interplanted or grown in combination with soil-depleting crops) of which a good stand and a good growth is plowed or disced under or left on the land.

2. Seeding timothy or redtop, or a mixture consisting solely of timothy and redtop.

#### SECTION XV. NORMAL YIELDS

**A. Normal yields of special soil-depleting crops.**—The county committee with the assistance of other local committees in the county shall determine for each farm for which a wheat or tobacco acreage allotment is to be established a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration.

**1. Wheat.**—(a) Where reliable records of the actual average yield per acre of wheat for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because the commodity was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period. Where the productivity index most recently established for the farm in connection with the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

(c) The yields determined under paragraph (b) of this subdivision 2 shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotments established for such farms) shall conform to the county average yield established by the Secretary.

**2. Tobacco.**—(a) The normal yield of tobacco for any farm shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1938 with due consideration for type of soil, drainage, production practices, general fertility of the land and the yield for such crop customarily secured on the farm. The average yield for all farms in any county with respect to any such crop shall not exceed the county average yield for the crop established by the Secretary.

#### SECTION XVI. APPEALS

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or made available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt

of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

#### **SECTION XVII. STATE AND REGIONAL BULLETINS, INSTRUCTIONS, AND FORMS**

The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program.

#### **SECTION XVIII. DEFINITIONS**

For the purposes of the 1938 Agricultural Conservation Program:

**SECRETARY** means the Secretary of Agriculture of the United States.

**REGIONAL DIRECTOR** means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

**EAST CENTRAL REGION** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**STATE COMMITTEE** means the group of persons designated within the State of West Virginia to assist in the administration of the 1938 Agricultural Conservation Program in the State.

**COUNTY COMMITTEE** means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

**PERSON** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**FARM** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops:

*Provided*, That land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as

located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**CROPLAND** means farm land which is tilled annually or in a regular rotation, excluding commercial orchards, but including any other land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to non-commercial orchards other than abandoned orchards.

**COMMERCIAL ORCHARDS** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

**COMMERCIAL VEGETABLES** means the acreage of vegetables or truck crops (including potatoes, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

**NONCROP OPEN PASTURE** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**LANDLORD** means a person who owns land and rents such land to another person or operates such land.

**SHARECROPPER** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**TENANT** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**ANIMAL UNIT** means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.



